



MUNLAWS 2025

FACULTY OF LAW, UNIVERSITY OF LJUBLJANA

HUMAN RIGHTS COUNCIL



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European
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REPUBLIC OF SLOVENIA
MINISTRY OF FOREIGN
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TABLE OF CONTENT

INTRODUCTION TO THE COMMITTEE.....	5
ABOUT MUNLAWS.....	5
ABOUT THE CHAIRS.....	6
ABOUT THE COMMITTEE.....	6
1. COUNTERING DISINFORMATION.....	10
1.1 INTRODUCTION.....	10
1.1.1 Basic definitions.....	11
1.1.2 How exactly would we define disinformation?.....	12
1.1.3 Types of disinformation and misinformation:.....	12
1.1.4 Classifications into intent, medium and content types:.....	13
1.1.5 Main international and regional human right laws on information:.....	14
1.2 STATE-SPONSORED DISINFORMATION.....	18
1.2.1 Definitions and key characteristics.....	18
1.2.2 History overview and examples.....	19
1.3 IMPACT OF DISINFORMATION ON SOCIAL COHESION.....	24
1.4 UN INITIATIVES AND RESOLUTIONS OF THE PAST.....	27
1.4.1 UNGA 76/227.....	27
1.4.2 UNHRC 49/21 and 55/10.....	28
1.5 KEY INSTITUTIONS ADDRESSING DISINFORMATION.....	29
1.5.1 UN Department of Global Communications (DGC).....	29
1.5.2 UN Human Rights Council (UNHRC).....	30
1.5.3 UNESCO (UN Educational, Scientific and Cultural Organization).....	31
1.5.4 UN Development Programme (UNDP).....	32
1.5.5 EUvsDisinfo (East StratCom Task Force).....	32
1.5.6 European Commission's Action Plan Against Disinformation.....	33
1.5.7 European Digital Media Observatory (EDMO).....	33
1.5.8 Other Countries.....	34
1.5.9 Notable failures of the institutions.....	35
1.6 CHALLENGES IN ADDRESSING DISINFORMATION.....	39
1.6.1 Developments in AI and Unverified Social Media Accounts.....	39

1.6.2	Deep Fakes and Propaganda Films, Twitter or X Trends on Disinformation	41
1.6.3	Sovereignty and Cooperation (Cross-Border Disinformation).....	42
1.6.4	Jurisdictional Loopholes or Bypasses.....	42
1.6.5	Free Speech Protections	42
1.6.6	Public Media Literacy	43
1.6.7	Political Weaponisation	44
1.6.8	Ambiguity in Defining Disinformation	44
1.6.9	Attribution and Accountability Challenges.....	45
1.7	BLOC POSITIONS.....	45
1.8	CONCLUSION	47
1.9	ISSUES TO CONSIDER	48
1.10	FURTHER READING.....	51
	BIBLIOGRAPHY.....	53
2.	THE IMPLICATIONS OF PLASTIC POLLUTION ON HUMAN RIGHTS	63
2.1	INTRODUCTION	63
2.1.1	Definition of Plastic Pollution and Other Relevant Definitions.....	63
2.1.2	Classification of Plastic Pollution	65
2.1.3	Why Plastic Pollution is a Major Issue	67
2.2	INFRINGEMENT OF HUMAN RIGHTS	73
2.2.1	Right to Life.....	73
2.2.2	Right to Health	74
2.2.3	Right to a Healthy Environment	75
2.2.4	Right to an Adequate Standard of Living	76
2.2.5	Children's Rights	77
2.3	INITIATIVES BY UN BODIES	78
2.3.1	Case Studies	78
2.3.2	Recycling and Policy	80
2.4	COUNTRY POSITIONS IN UNHCR ON PLASTIC POLLUTION METRICS.....	81
2.4.1	High Ambition Coalition (HAC)	82
2.4.2	Like-Minded Countries (Petrostates)	83
2.4.3	Developing Countries and Small Island Developing States (SIDS)	85

2.4.4 United States.....	86
2.4.5 Other Positions.....	87
2.5 CONTRAST OF PLASTIC POLLUTION LAWS ACROSS STAKEHOLDERS	88
2.5.1 Developed vs. Developing Nations.....	88
2.5.2 Consumer vs. Producer Countries.....	90
2.5.3 Net Exporters vs. Net Importers	92
2.6 REFERENCE RESOLUTIONS ADOPTED BY THE UNHRC AND OTHER UN BODIES	94
2.6.1 A/HRC/56/L.23	94
2.6.2 UNHRC Resolution 58/16	96
2.6.3 UNEP Resolution 5/14	97
2.7 INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC)	98
2.7.1 Introduction into the INC.....	98
2.7.2 Latest INC meeting on Aug 5-15 that was set to finalize treaty to control plastic pollution, prevent plastic waste from entering ecosystems	99
2.7.3 Demands and positions of country groups within the INC	101
2.8 CONCLUSION	106
2.9 ISSUES TO CONSIDER	107
2.10 FURTHER READINGS	109
BIBLIOGRAPHY.....	111

Figure 1: Relationship between different types..... 11

Figure 2: Different types of disinformation and misinformation 12

INTRODUCTION TO THE COMMITTEE

ABOUT MUNLAWS

It is our great pleasure to welcome, after a year of absence, the delegates, head delegates, observers, and faculty advisors back to the festive city of Ljubljana to once again take on the pressing issues of the day at the 12th MUNLawS Model United Nations Conference.

As the prospects of this year's conference were discussed earlier in the year, it fell upon us to determine its scope and focus. Facing wide array of global challenges – each significant in its own right – our instinct times and again was to return to the fundamental yet enduring discussion on the construction of the global order and its respect for international law – the solemn commitment of one for all with no one left behind. Reaching, in good faith, Beyond Divisions, Ensuring Security for All.

The unfolding year spares no shortage of anniversaries. Eighty years ago, the deadliest war in human history came to an end, and the foundations of a bold new vision for global governance were laid. Today, complacency toward the binding rules of this international order is being tested, as a series of conflicts steadily erodes its very ideal, rekindling the specter of wider confrontation. Thirty years ago, in Srebrenica, former compatriots turned against their own, committing one of the most horrendous atrocities in modern European history. Today, echoes of such despair resonate in many parts of the world, reminding us that the struggle for justice and the protection of human life and dignity remains urgent.

At the same time, the year 2025 is the one of considerable achievements. With the recent ceasefire in Gaza, the seeming resolution of the Armenian–Azerbaijani conflict, the groundbreaking Advisory Opinion of the International Court of Justice on the Obligations of States in Respect of Climate Change and other significant developments, a trebling light on the horizon reminding us of the promise of tomorrow still shines brightly. As a non-permanent member of the UN Security Council, the Republic of Slovenia devoted considerable effort to fulfilling its responsibilities. It is, therefore, a privilege to count the Ministry of Foreign and European Affairs of the Republic of Slovenia as our trusted partner in organizing this conference.

Furthermore, we extend our sincere gratitude to the European Parliament Liaison Office in Slovenia for their steadfast and invaluable support in bringing this conference to fruition. Representing a core institution of arguably the greatest peace project in human history, their involvement underscores the enduring importance of forging bridges in the pursuit of a cause far greater than ourselves. We are also deeply thankful to Tourism Ljubljana, which, together with the Liaison Office, made it possible to organise two incredible social events.

We sincerely hope you will delight in exploring this mosaic, forge meaningful new friendships, and cherish the experience of MUNLawS 2025. Let the festivities begin!

Yours truly,

Žiga Murn Lindič, Secretary-General of MUNLawS 2025

ABOUT THE CHAIRS

Malhar Thakur is working in Finance, real estate and alternative investments. He likes to do debates and discussions on fiscal and monetary policies, MUNs are the best medium for him to connect with like minded people and future policymakers.

Val Stankovič Pangerc is an undergraduate student at the Faculty of law in Ljubljana. He seeks to explore varied geopolitical and anthropological topics and connect with those who share his curiosity. He comes from a background of youth work and representation, as well plentiful involvement in official policy discussion, giving him a sense for discussion dynamics and direction. He adores art, prefers a mountain to a comfy chair and is fond of an encouraging learning environment. He is excited to talk to you soon!

Daša Pistotnik is an undergraduate law student at the University of Ljubljana. Gaining interest in international law through her studies, she wanted to broaden her horizons by participating in MUN conferences; which simultaneously present an opportunity to socialise and connect with people from all over the world. Outside of academics, she enjoys spending time outside, whether on a hike or indulging in a conversation with friends at a coffee shop. She is highly curious to welcome new delegates to MUNLawS and cannot wait to see you all in Ljubljana!

ABOUT THE COMMITTEE

United Nations Human Rights Council (UNHRC) is an intergovernmental body within the United Nations (UN) system tasked with promoting, protecting and strengthening human rights worldwide. It provides a multilateral forum to address violations, make recommendations, and engage in discussions on all human rights issues that need its

attention throughout the year. It was established in 2006 by the General Assembly (GA), replacing the former United Nations Commission on Human Rights, and from then on decided the rules for its work. It meets at the United Nations Office at Geneva (UNOG).¹ While all countries at the UN take part in the work of the Council, only some make decisions, to be exact only 47 of them, however others all take part in choosing those 47. Since 2006, as of 2025, there have been 57 regular sessions and 37 special sessions, with 1481 resolutions adopted up to 2023.² While their resolutions are not legally binding for Member States, they have considerable political weight. States are expected to comply with them, failure to do so can have an impact on their international standing. However, the resolutions are entirely binding for the UN system and UN entities have to comply with their decisions.³ By adopting resolutions, it sends a strong political signal which can prompt governments to take action to remedy those situations. Besides regular meetings, UNHRC holds crisis meetings, known as special sessions, to respond to urgent human rights situations, 36 of which have been held to date. One of the tasks of UNHRC includes appointing Special Procedures, independent human rights experts who serve the council by monitoring situations in specific countries, and in compliance to that, it authorizes commissions of inquiry and fact-finding missions, which produce hard-hitting evidence on war crimes and crimes against humanity.¹

The Council benefits from substantive, technical and secretariat support from the Office of the High Commissioner for Human rights (OHCHR). The three main dimensions of OHCHR are standard-setting, monitoring, and supporting implementation on the ground.⁴ Its job is to work with and assist Governments in fulfilling their human rights obligations, objectively address violations worldwide, widen the field of research, education, public information and advocacy activities, as well as work with a wide range of partners to ensure the highest standard of human rights protection worldwide.⁵ OHCHR is led by the High

¹ Office of the High Commissioner for Human Rights, n.d.a.

² Ibid.

³ Global Cities Hub, 2022.

⁴ Universal Rights Group, n.d..

⁵ Universal Rights Group, 2021a.

Commissioner for Human Rights, who is accountable to the Secretary-General and is responsible for all activities of OHCHR, as well as for its administration. The High Commissioner ensures that support is given to projects, activities, organs and bodies of the human rights programme, advises the Secretary-General on policies of the UN in the area of human rights and carries out special assignments as decided by the Secretary-General. Currently serving as High Commissioner is Volker Türk of Austria.⁶

Besides OHCHR, UNHRC works with other UN bodies such as GA (who established UNHRC), especially its Third Committee which deals with human rights issues, elects UNHRC members and considers some of its reports.⁷ While distinct, UNHRC sometimes collaborates with the Security Council on issues where human rights abuses overlap with threats to peace and security.⁸ Additionally, it cooperates with some specialised agencies, funds and programmes through reporting and cooperation on human rights dimensions of their work, for example World Health Organization (WHO), United Nations Children's Fund (UNICEF), UN Women and many more.⁹

Some of the most important work done by UNHRC includes the Universal Periodic Review (UPR), Special Procedures, norm-setting resolutions and rapid responses to human rights crises. UPR is a State-led mechanism that assesses human rights situations in all UN Member States every 4.5 years. It provides an opportunity for each State to report on actions that it has taken to improve the human rights situations and to receive recommendations for continuous improvement.¹⁰ Special Procedures are independent human rights experts, not employed by the UN, who undertake country visits and raise public awareness on themes such as education, health, free speech, human trafficking, as well as on country situations including Ukraine, DPRK, Eritrea, and Iran, among others.¹¹

⁶ Office of the High Commissioner for Human Rights, n.d.b.

⁷ United Nations, 2006.

⁸ Universal Rights Group, 2021b.

⁹ International Commission of Jurists, 2006, p. 4.

¹⁰ Office of the High Commissioner for Human Rights, n.d.c.

¹¹ Ibid.

Together with several more mechanisms, platforms and groups dedicated to evolving legal human rights instruments, make UNHRC one of the most important UN bodies.

1. COUNTERING DISINFORMATION

1.1 INTRODUCTION

“Countering disinformation requires lasting investment in building societal resilience and media and information literacy.” ANTÓNIO GUTERRES¹²

Through the words of António Guterres, *United Nations Secretary-General*, disinformation is depicted as a complex and persistent phenomenon in society. Despite being present in our society for many years, with the development of technology, its problematic nature and usage are only getting increasingly worse. In everyday life, disinformation is not always political propaganda, as it often shows up in small and targeted ways that blend into normal conversations, media, and online content. Even during a quick scroll through social media, you can see many variations of disinformation, e.g. misleading headlines ("clickbait"), deepfakes and manipulated media, viral posts that spread so quickly that they are not verified... These types often overlap, for instance, a false story might have a clickbait headline, use an old photo in a new context, and be exaggerated to rage-bait, which can in some cases cause social unrest. That is why media and information literacy is so important, as recipients of information need to be able to efficiently detect and recognise disinformation to not cause themselves any harm. Disinformation is not a new phenomenon, but the scale of the problem has reached a new level in our digital era, magnified most during the pandemic, especially with artificial intelligence (AI) being on the rise.

¹² United Nations, n.d.

1.1.1 Basic definitions

Disinformation	Disinformation is information that is false, and the person who is disseminating it knows it is false. It is a deliberate, intentional lie, and points to people being actively disinformed by malicious actors. ¹³
Misinformation	Misinformation is information that is false, but the person who is disseminating it believes that it is true. ¹³
Mal-information	Mal-information is information that is based on reality but it is used to inflict harm on a person, organisation or country. ¹³

Table 1: Definition of disinformation, misinformation and malinformation

These are the most commonly used definitions, however, there is many, as disinformation comes in many forms. There is no universally accepted definition, as none is sufficient on its own, given the multiple and different contexts in which concerns over disinformation may arise.¹²

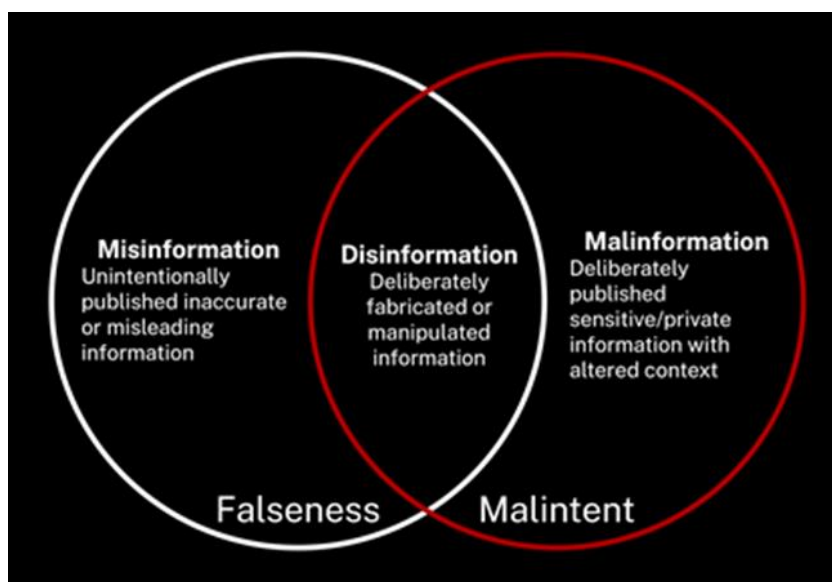


Figure 1: Relationship between different types¹⁴

¹³ Leidel, 2025.

¹⁴ CSI Library, 2025.

1.1.2 How exactly would we define disinformation?

The definition from **the Human Rights Council** is that “disinformation is deliberate and includes malicious content such as hoaxes, spear phishing and propaganda. It spreads fear and suspicion among the population. Misinformation is false or inaccurate information. Examples include rumors, insults and pranks.”¹⁵ **The European Commission** understands disinformation "as verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm." ¹³ **North Atlantic Treaty Organization (NATO)** views disinformation as "the deliberate creation and dissemination of false and/or manipulated information with the intent to deceive and/or mislead." ¹³

1.1.3 Types of disinformation and misinformation:

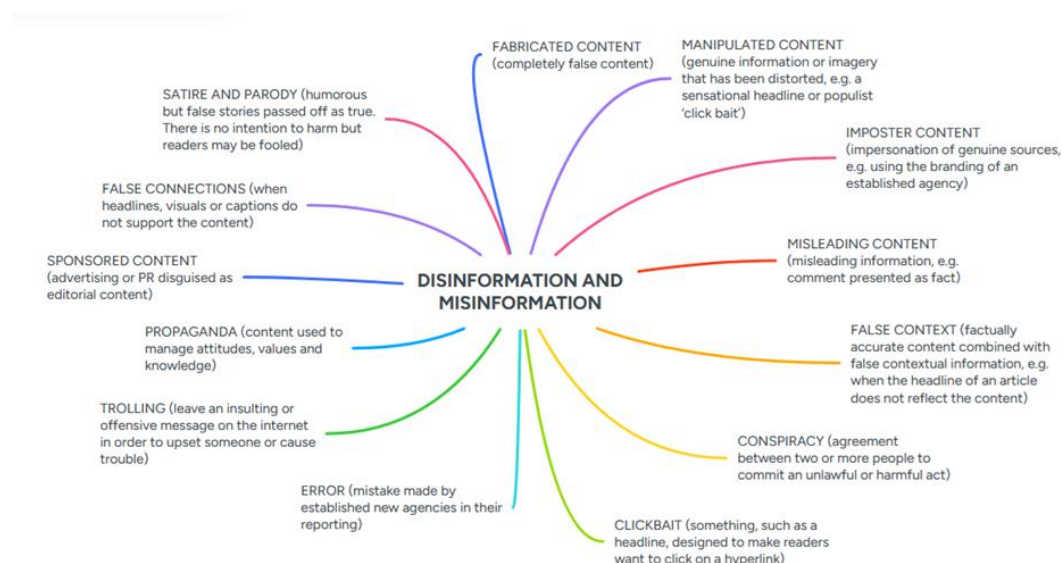


Figure 2: Different types of disinformation and misinformation

¹⁵UNHCR, 2022, p. 1.

The upper picture shows a mindmap of common types of disinformation and misinformation to make it easier to understand and see how many different types there are.

1.1.4 Classifications into intent, medium and content types:

The intent of the use or spread of disinformation is to deliberately manipulate the publics' actions, feelings or thoughts. Some common intentions include causing social unrest, pressure or delegitimize governments, hate speech and false narratives. Taking COVID-19 as an example for causing social unrest, when news about coronavirus started to spread, people jumped to conspiracy theories that were massively shared on the internet.¹⁶ The virus outbreak was accompanied by a massive »infodemic«. Governments and tech companies were being blamed for the eruption of the virus, leading to protests and violence in multiple countries. World Health Organization's technical risk communication and social media teams had worked 24 hours a day to keep the situation at bay and consequently prevented some social outbursts due to disinformation.¹⁷ Mediums that can be used for the spread of disinformation are commonly traditional media (TV, radio, print), social media platforms (Facebook, Twitter, TikTok), messaging apps (encrypted platforms like WhatsApp or Telegram) and deepfakes hand in hand with manipulated multimedia. The latter came to rise in recent years as advances in technology create realistic but false videos or images used to deceive.¹⁸ This development is particularly problematic, as it enables political figures to plausibly deny having engaged in certain actions or made specific statements. In the event of public backlash, they may claim that the incriminating material was fabricated through deepfake technology.¹⁹ Content types include leveraging bias, fabrication, conspiracy theories and manipulated and misleading content. Leveraging bias is connected to exploiting existing societal biases or prejudices to reinforce false beliefs. For example, anti-immigration disinformation campaigns often play on fears and stereotypes,

¹⁶ World Health Organization, 2020, p. 2.

¹⁷ Ibid.

¹⁸ UNESCO, 2021; Napoli & Caplan, 2017.

¹⁹ Ibid.

instead of trying to convince people from scratch; disinformation campaigns tap into what people already think or feel (e.g. fears, stereotypes, political leanings, or cultural divides) and use those biases to push a false narrative.²⁰ Such an example leveraging bias is of the 2016 Brexit referendum when some campaigns used misleading claims that amplified fears about immigration, exploiting existing xenophobic sentiments. The most aggravated claims were that the United Kingdom sent £350 million a week to the EU when it was a member; Turkey joining the EU imminently; and that migrants were overwhelming the UK because of the EU's migration policies.²¹

1.1.5 Main international and regional human right laws on information:

The **Universal Declaration of Human Rights (UDHR)** in Article 19 states that *“everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”*.²² Article 19 of UDHR is directly relevant to the discussion on disinformation because it defines the right that must be protected when states or platforms try to counter false or misleading content. It guarantees the rights to hold opinions without interference and to seek, receive and impart information and ideas of all kinds, regardless of frontiers and through any media.²³ In connection to the resolution 49/21, article 19 highlights the key aspects and provides recommendations for further steps that States should take to ensure protection of the right to freedom of expression when addressing disinformation. It has long asserted that positive measures that embrace the right to freedom of expression are the best way to counter disinformation. If anti-disinformation laws or measures are too broad, they can be abused to silence journalists, opposition voices, or activists; that is why UN bodies repeatedly stress that responses must align with Article 19.²¹ Resolution 55/10 reaffirms the centrality of freedom of opinion and expression under Article 19, while explicitly applying to it while mentioning the

²⁰ NATO Association of Canada, 2019.

²¹ Enforced or involuntary disappearances, 2021.

²² Universal Declaration of Human Rights, 1948, art. 19.

²³ Article 19, 2022a.

“safeguarding of human rights” under the Advisory Committee. (source – resolution 55/10) The UN’s message across the resolutions that is enshrined in Article 19 is that combating disinformation is legitimate, but only if done in a way that protects the right to seek, receive, and impart information.²⁰

This Article is not legally binding, as the Declaration itself is not a legally binding instrument.²⁰ However, it contains principles and rights that are based on human rights standards enshrined in other documents that are legally binding, such as the **International Covenant on Civil and Political Rights (ICCPR)**. Article 19 of ICCPR refers to the guarantee of free speech, freedom to seek, holding opinions and receiving and imparting information through any type of media. It obliges States to protect access to information while allowing only limited restrictions that are provided by law.²⁴ The **Convention on the Rights of the Child (CRC)** in article 17 specifically addresses the right of children to access information from many national and international sources and encourages international cooperation in the information field, all while ensuring protection from material harm to their well-being. As the ICCPR, it is legally binding.²⁵ At the regional level, the **European Convention on Human Rights (ECHR)** in Article 10, guarantees freedom of expression, including the right to hold opinions, to receive and impart information without interference from public authorities.²⁶ Article 10 of the Convention enjoys a very wide scope, whether with regard to the substance of the ideas and information expressed, or to the form in which they are conveyed. These positive obligations imply, among other things, that the States are required to establish an effective mechanism for the protection of authors and journalists in order to create a favourable environment for participation in public debate of all those concerned, enabling them to express their opinions and ideas without fear. The rights mentioned can be subject to exceptions if prescribed by law and are necessary in the democratic society, with the need for restrictions established convincingly.²⁷ As this

²⁴ United Nations, 1966, art. 19.

²⁵ United Nations, 1988, art. 17.

²⁶ Council of Europe, 1950, art. 10.

²⁷ European Court of Human Rights, 2022, pp. 10-12.

convention was signed and ratified by all Council of Europe member states, they are all legally bound by this treaty.²⁶ As seen from the legal framework listed above, international law acknowledges and protects the right to freedom of opinion and expressions, with UN agencies, such as GA and UNHRC frequently highlighting that the human rights that people have offline must also be protected online. The right to freedom of opinion and expression includes the freedom to seek, receive and impart information, with GA stating that freedom of information is a fundamental human right and is the touchstone of all the freedoms to which the UN is consecrated.²⁸ As those rights are recognised and to some extent protected, there is however no general binding treaty to accurate information, it is more an emerging principle supported by soft law, human rights bodies, and UN bodies.²⁹ That leaves a bigger area of discretion to States to decide on how to counter disinformation, while having a duty to take appropriate steps to address harmful impacts made by disinformation and to promote, protect and respect the rights of individuals.²⁸ While these instruments remain foundational, they were formulated and signed in a pre-digital era (with the youngest being the Convention on the Rights of Child from 1990) and do not fully address modern challenges such as large-scale online disinformation, AI and the growing influence of private digital platforms in controlling information flows.³⁰ Even state sponsored disinformation has found many loopholes in the legislation as it modernised. This gap underscores the urgent need to revisit past legislation and conventions to shape it into harmonized legislation that aligns existing human rights guarantees with the realities of the digital environment, ensuring that the right to access accurate and reliable information is effectively protected in the age of global connectivity and information warfare.³¹ For example, the European Union (EU)'s legislation regarding digitalization and technology, including GDPR for data protection, the ePrivacy Directive and more recent laws such as The Digital Services Act (DSA) and AI Act, already gives a foundation for privacy, transparency, and risk-based controls in digital systems. Even if the EU took a big step

²⁸ United Nations, 2022a.

²⁹ United Nations, 2011.

³⁰ Ibid.

³¹ Ibid.

forward by introducing those laws and acts, some challenges are still left unsolved.³² The DSA and AI Act, for example, place significant obligations on platforms to moderate harmful and illegal content. Compliance may create tension with fundamental rights, especially the freedom of expression and the right to conduct business. Another challenge is ensuring coordinated enforcement across overlapping laws, as the AI Act and DSA assign different oversight roles to data protection authorities. This fragmented approach risks higher costs, enforcement gaps and regulatory uncertainty, potentially undermining legal certainty.³³ In conclusion, while some legislation in the EU on digitalization still appears outdated, some updates like the ones listed above pave the way for a complete modernization of laws, but the EU still has room for improvement. A great example of revisiting and modernizing the law is Estonia. Laws that were originally enacted in 2004, *The Information Society Service Act* and *National Security Act*, were updated to adapt to a world with a rapid technology evolution in 2022 and 2023.³⁴ Estonia in addition could serve as a model for other countries in the field of digitization and media literacy. The current curriculum for primary and secondary schools aims to teach students how to use sources of information, how to ensure that they are reliable, how to protect yourself and your privacy on the Internet, etc. If that model would be utilized in other countries, the quantity of damage caused by disinformation and misinformation could become significantly lower.³⁵ Another country that reviewed their laws on online safety and improved digital literacy is Australia. They developed an independent regulator for online safety, called the *eSafety Commissioner*. It is focused on removing harmful content and protecting children from cyberbullying and its remit has since expanded to cover adults. Its primary aim is to make the internet a safer space, alongside “Online Safety Industry Codes” that regulate how platforms, services and app distributors must behave in relation to online safety.³⁶ The most notable legislative change in Australia is the newly passed law banning social media use for all children under

³² Kontosakou, Scott, & Gravano, 2025.

³³ Ibid.

³⁴ Ibid.

³⁵ Learning Library, n.d.

³⁶ eSafety Commissioner, n.d.

16, which will come into force by December 2025. Since children are among the most impressionable groups and often lack the experience to critically assess or respond to disinformation, restricting their access to social media is intended as a protective measure against potential harm. This approach aligns with broader human rights and children's rights principles, ensuring their safety and well-being in digital spaces.³⁷

1.2 STATE-SPONSORED DISINFORMATION

1.2.1 Definitions and key characteristics

One of the most prominent types of disinformation is state-sponsored disinformation, which involves the deliberate and coordinated dissemination of false or misleading information. Its main characteristic is that it is spread either directly by the government, government-affiliated entities or state-sponsored actors. The aim is to manipulate and shape public opinion (possibly to amplify support for the government's actions or suppress criticism, influencing on voter decisions), influence behavior or erode trust in institutions, often for political or strategic goals.³⁸

There are six elements that set state-sponsored disinformation apart from others:

- (1) state sponsored disinformation is **strategically planned**, rather than spontaneous;
- (2) states have **privileged access to material and symbolic resources**, such as technology and expertise;
- (3) it uses **sophisticated disinformation strategies** – being closer to half-truths or decontextualized true information.;
- (4) the **perceived legitimacy** of the state among citizens grants it a degree of popular trust, which is often enough to grant the state the benefit of the doubt;

³⁷ UNICEF Australia, 2025.

³⁸ Echeverría, García Santamaría, & Hallin, 2024.

(5) direct access to **institutional power** (manipulation of judiciary);

(6) **corporate and media collusion** as governments team up with private companies, temporary political groups, and hire contractors like PR firms, social media operators, and influencers to spread their messages.³⁹

And why is state-sponsored disinformation so controversial? First and foremost, it constitutes an abuse of the legitimate power of the state, as it uses vast institutional resources against the very citizens who granted it such power - a complex network of disparate attributions which pass through various media outlets to disguise the origin of content and expand its scope and impact. Second, it makes it harder for citizens to hold the state accountable, which is a key condition of democratic governance, and it curtails citizens' right to information as well as freedom of expression, especially when disinformation is used for harassment and, ultimately, censorship.⁴⁰

1.2.2 History overview and examples

Although their involvement is elusive and hard to trace, we can find cases in which state branches were involved in massive, coordinated disinformation campaigns during critical moments of high uncertainty, directed against their own citizens.

1.2.2.1 Nazi regime

The first example touches on the Nazi regime and its anti-Semitic disinformation. Antisemitic disinformation was a defining feature of the Nazi regime from the moment it seized power in 1933. In Nazi-controlled Europe, access to reliable information was not just a matter of public awareness—it could determine life or death, particularly for the Jewish population during World War II.⁴¹ The German occupiers systematically sought to control the flow of information through tightly regulated newspapers, state-run radio broadcasts,

³⁹ Ibid.

⁴⁰ U.S. Department of State, n.d, p. 1.

⁴¹ Museum of Jewish Heritage, 2023.

and the deliberate circulation of false rumors. Newspapers in Germany, above all *Der Stürmer* (The Attacker), printed cartoons that used antisemitic caricatures to depict Jews; Concentration camp and killing center officials compelled prisoners, many of whom would soon die in the gas chambers, to send postcards home stating that they were being treated well and living in good conditions.⁴² Additionally, camp authorities used propaganda to cover up atrocities and mass murder. Reports from witnesses and escapees who returned to ghettos with accounts of mass executions and extermination camps were often met with disbelief, as years of Nazi propaganda had cultivated doubt and mistrust.⁴³

1.2.2.2 Union of Soviet Socialist Republics (U.S.S.R.)

The Soviet Union was known for spreading disinformation and state propaganda throughout its existence, with two of the most considerable cases being the Chernobyl disaster and spread of disinformation during the Cold War. As the Chernobyl Nuclear Power Plant reactor exploded and discharged highly radioactive particles into the atmosphere, Soviet authorities engaged in a rampant disinformation campaign to cover up the incident, putting millions of lives in danger.⁴⁴ Moscow at first denied that any radioactive particles were being discharged from their plant, and only admitted that an accident happened under the pressure of Swedish authorities 48 hours after the accident. They disclosed the full extent of the damage three months after the catastrophe in a meeting with the United Nations and International Atomic Energy Agency (IAEA), trying to conceal the event up to that point.⁴⁵

Throughout the cold war, U.S.S.R. has portrayed themselves as the champions of peace and the West as racist and decadent, painted the CIA as an orchestrator of every global crisis (protests, famines, assassinations), NATO as an aggressor... A common myth that was spread and is still not completely disregarded is that NATO promised Russia that it would

⁴² United States Holocaust Memorial Museum, n.d.

⁴³ *Ibis*.

⁴⁴ NATO Association of Canada, 2019.

⁴⁵ *Ibis*.

not enlarge after the Cold war. No treaty signed by NATO allies and Russia ever included provisions that NATO cannot take on new members. This claim is still actively used in disinformation campaigns by the Kremlin since the start of the Russian war against Ukraine.⁴⁶

1.2.2.3 Ukraine war

Another (currently ongoing) example connected to the previous one is the Russian coverage of the Ukraine war. Even decades before the war, ever since Ukraine has been part of the U.S.S.R, its information space has been vulnerable to Russian propaganda and manipulation. Over the last couple of years, the Russian government has spread false claims to try to justify its military invasion, hide civilian casualties and cement its narrative of the “anti-Russian West”.⁴⁷ When Ukrainians call their relatives in Russia to tell them about the atrocities, all too often they hear their own family members parrot the Kremlin’s propaganda lines: the atrocities are faked, or false flags, or necessary in order to impose Russia’s greatness.⁴⁸ As a concrete example, The Kremlin has repeatedly spread false claims about Ukrainian forces using chemical weapons against Russia. However, credible past reports show that, in fact, Russian forces have used riot control agents and other chemical munitions against Ukrainian troops. The Kremlin, in addition, claims Russia is protecting the people in the regions of Ukraine that it is illegally occupying. However, according to a June 2023 report from the the Office of the High Commissioner of Human Rights (OHCHR), in 91% of OHCHR-documented cases, Ukrainian civilians held by Russian Forces describe torture and ill-treatment, including sexual violence. Russian disinformation and propaganda also slanders Ukraine and portrays the West as a warmonger.⁴⁹

⁴⁶Pomerantsev & Weiss, 2014, pp. 14-18; North Atlantic Treaty Organization, n.d.

⁴⁷ Ibis.

⁴⁸ Federal Ministry of the Interior and Community, n.d.

⁴⁹ Government of Canada, 2023.

1.2.2.4 Thailand - Cambodia conflict

The last example touches on the Thailand – Cambodia border conflict, where the recent border clashes have not only threatened regional stability but also unleashed a digital war where truth becomes a casualty, further complicating attempts at peaceful resolution.⁵⁰ A wave of unsourced information has led to speculation and misunderstanding and fostered unnecessary alarm within the public - false claims, outdated images, and provocative narratives have fueled confusion, stoked ethnic tensions, and raised fears on both sides of the border (e.g. reports of troop withdrawals or surrenders were spread to provoke panic or demoralize opponents). Cambodia recorded nearly 80 cases of fake news related to the Cambodia – Thailand border row floating on social media, sparking concerns over misinformation and its potential impact on national security.⁵¹ State statements, selective media releases, and communications between leaders were used to influence domestic and international perceptions. This illustrates how governments can engage in state sponsored disinformation, shaping narratives to support political or territorial claims even when the full facts are unclear. According to the spokesman for the Ministry of Information, most of the misleading content was created by some social media influencers and content creators, however the question whether people posting the clickbait were affiliated with the government of either side remains unanswered.⁵²

The cases mentioned above likely increased the vulnerability of citizens, subjecting them to potential manipulation, and posed a threat to the stability of democratic institutions and constituencies. For example, disinformation campaigns can significantly erode public trust in democratic institutions. The spread of false information about electoral processes, government actions, or political opponents can lead citizens to question the legitimacy of their leaders and the fairness of elections. For instance, during the 2016 United States presidential election, Donald Trump repeatedly asserted that the election was "rigged" and

⁵⁰ Digital Information Sharing Alliance, 2024.

⁵¹ Cambodianess, 2024.

⁵² Khmer Times, 2024.

that millions of illegal votes were cast, despite a lack of evidence supporting these claims. A study published in the *Journal of Experimental Political Science* found that exposure to such unsubstantiated fraud claims decreased confidence in electoral integrity, particularly among Republicans and Trump supporters.⁵³

1.2.2.5 How international law responds

Many states influence campaigns that utilize false or misleading information and may breach international law, potentially constituting a prohibited intervention, an infringement of a state's territorial integrity or sovereign powers, or in severe cases even an unlawful use of force. Yet, key issues remain unresolved, particularly how to attribute responsibility for the spread of disinformation to a state, and how to prove a direct causal link between the disinformation and its harmful effects, both of which are essential for establishing international responsibility.⁵⁴ Certain types of transnational disinformation and influence campaigns may breach the principles of sovereignty and non-intervention. International law prohibits states from interfering in the internal affairs of another sovereign state or from exercising governmental authority on another's territory without consent. At the same time, efforts to influence other states are not inherently unlawful. The central question, therefore, is where the line lies between permissible influence and disinformation that crosses into a violation of sovereignty or coercion.⁵⁵

There is currently no clear, binding international law that specifically addresses state-sponsored disinformation. The legal landscape remains fragmented, with ambiguity around accountability for misleading state communication. Disinformation often violates multiple legal paradigms simultaneously, creating compounded harms that transcend the scope of any single framework; however, without a clear legal and empirical foundation, efforts to address disinformation remain reactive and fragmented, underscoring the urgent

⁵³ Berlinski et al., 2021.

⁵⁴ Oxford University Press, 2022.

⁵⁵ Strongwater, 2022, pp. 4-5.

need for structured research and internationally coordinated legal responses.⁵⁶ States can also turn to international human rights law as a basis for addressing misinformation and disinformation. This approach allows both states and individuals to respond in a more targeted way by concentrating on the harmful impacts on human rights rather than on regulating the content of the information itself. Disinformation poses risks to a range of rights protected under the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁵³ States party to the International Covenant on Civil and Political Rights (ICCPR) are obligated under article 19 to protect freedom of expression. The UN Special Rapporteur has emphasized that speech restrictions must meet the three-part test of legality, legitimacy, necessity, and proportionality, and warns that vague or overbroad laws undermine human rights. For example, article 19 states that freedom of expression is both a safeguard and the remedy against disinformation, and emphasizes positive state obligations like supporting diverse media and transparency.⁵⁷

1.3 IMPACT OF DISINFORMATION ON SOCIAL COHESION

While disinformation directly impacts individuals, it can consequently cause great social unrest and amplify social division, as it often fuels polarization by spreading false or misleading narratives. When people are exposed to deceptive information, trust in institutions and the government weakens, making cooperation and dialogue more difficult. Furthermore, breakdown in trust can escalate tensions and possibly lead to violent conflicts.⁵⁸

For example, during the COVID-19 pandemic, anti-COVID/vaccination protests have illustrated that conspiracy theories are a real and imminent threat to health and wellbeing, democracy, and public understanding of science. Conspiracy theories, like the claim that 5G towers cause cancer or spread the virus with 5G technology, gained traction in multiple

⁵⁶ Geneva Academy, 2022, p. 2.

⁵⁷ Article 19, 2022b.

⁵⁸ Wardle & Derakhshan, 2018.

countries. Throughout 2020, this alleged correlation was promoted and distributed widely on social media, often in the form of maps overlaying the distribution of COVID-19 cases with the installation of 5G towers. While it was shared by many celebrities, even some politicians were like-minded and shared maps and disinformation on social media. As an example, Manchester's councillor has repeatedly described Covid – 19 as a hoax and shared images, describing the pandemic as propaganda.⁵⁹ Disinformation from political leaders can confuse people, distort facts, and create fear or anger, and as a result, society becomes more divided, with people retreating into separate groups that believe different “versions” of reality. These falsehoods not only spread fear but often cause real damage and public safety risks. Similarly, disinformation around immigration has been used to stoke xenophobia and social unrest, such as in England and Northern Ireland, especially after the murder of three young girls in Southport, amid the spread of false information online that the perpetrator was an asylum seeker. That, combined with false information published relating to immigration, international protection accommodation or people from a migrant background, led to people having fear of using public spaces. Muslim girls and women have been particularly affected, experiencing increasing levels of islamophobia, racism and misogyny.⁶⁰ Additionally, asylum seekers, particularly single young men, are often perceived as a dangerous group. Their undocumented status and gender make them highly suspect, consequently becoming targets of hate crime. The number of hate crimes and hate – related incidents in Ireland has only been rising over the past couple of years, with the figure reaching 676 in 2024 – the highest total so far. It is suspected that the incidents were largely results of misinformation and disinformation spread through social media.⁶¹ Sustained disinformation campaigns often center on undermining the legitimacy of electoral systems, courts and the press, thereby eroding public faith in democracy itself. For example, in the United States after the 2020 presidential election, false claims of widespread voter fraud, disseminated by political figures, traditional media, and social

⁵⁹ Fitzgerald, 2020; Cinelli, Morales, Galeazzi, Quattrociocchi, & Starnini, 2021.

⁶⁰ Campbell, 2025.

⁶¹ RTÉ, 2025.

media met a narrative of a »stolen election« significantly undermining trust in democratic institutions. The posts have implied it is easy for non-citizens to vote, made false claims about voting machines and sowed distrust in the ballot-counting process.⁶² Most of the states that were targeted by disinformation campaigns were the so-called »swing states«, meaning there is no clear direction on which party will be the winning party. To measure the impact of such an election law on the campaigns, a survey⁶³ was conducted analysing Twitter activity surrounding the 2020 US preelection debate, with a particular focus on the spread of disinformation, finding that about 88% of the online traffic was associated with swing states.⁶⁴ In Europe, similar patterns have been observed. The European Digital Media Observatory conducted a research⁶⁵ on the 2023 election, finding that Disinformation narratives about the electoral process were identified in every election subjected to analysis, found across several EU states, emerging as one of the most common narratives overall. Among those narratives, the suggestion of voter fraud or alleged unfair practices that would invalidate the election results appears particularly widespread, with the apparent goal of delegitimizing democratically elected representatives.⁶⁶ In societies affected by disinformation, ethnic and nationalist tensions have worsened, resulting in heightened hostility toward minority groups and civilian populations caught in the crossfire. Ultimately, the spread of disinformation undermines social cohesion by creating hostile environments where mistrust, fear, and hatred thrive, as false narratives fuel anger, fear and division.

⁶² BBC, 2025.

⁶³ Online disinformation in the 2020 U.S. election: swing vs. safe states.

⁶⁴ Pratelli et al., 2024.

⁶⁵ Disinformation narratives during the 2023 elections in Europe.

⁶⁶ EDMO Task Force on the 2024 European Parliament Elections, 2023, pp. 4-6.

1.4 UN INITIATIVES AND RESOLUTIONS OF THE PAST

There are several resolutions and discussions from the United Nations bodies on the topic of disinformation, listed below are the most relevant resolutions that were adopted during recent years.

1.4.1 UNGA 76/227

Countering disinformation for the promotion and protection of Human Rights and Fundamental Freedoms.

Throughout the whole resolution, the need for legislation and measures (for combating disinformation) to comply with the international human rights law is highlighted, along with the principles of legalities, necessity and proportionality, stating that it requires a multidimensional and multi-stakeholder approach. It recalls article 20, paragraph 2, of the International Covenant on Civil and Political Rights, which states that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law⁶⁷. While ensuring that individuals' freedom of expression and freedom to seek is not violated, efforts to counter disinformation must be introduced and promoted. Point 6. expresses concern about the spread of disinformation and propaganda, including on the Internet, which can be designed to spread hatred, racism, xenophobia, negative stereotyping or stigmatization, and to incite violence, discrimination and hostility. However, one of the themes that stands out and is present throughout the whole resolution is the media and information-related technology, including the impact they have on society as they make it easier to spread disinformation.⁶⁸ While free speech and independent journalism should be encouraged even online, factual, transparent and evidence-based information needs to be promoted at all times. This includes social media companies, to ensure their operations and practices are in line with the Guiding Principles on Business and Human Rights, specifically highlighting the COVID-19 pandemic, where the

⁶⁷ United Nations, 2021a.

⁶⁸ Ibid.

preponderance of disinformation was shared directly on social media.⁶⁹ This resolution is of mass importance as it sets standards and urges action for legislation in the field of internet and social media, however, its resolutions are not legally binding and can therefore only be used to urge action from OHCHR and other UN bodies. With the resolution being adopted in 2021 on one hand and mass technology improvements on the other, the need for a synchronized legislation on the subject is bigger than ever.⁷⁰

1.4.2 UNHRC 49/21 and 55/10

Role of states in countering the negative impact of disinformation on the enjoyment and realization of human rights.

The resolution 49/21 was adopted in 2022 and is – like the UNGA 76/227 – emphasizing the need to protect human rights before disinformation on an international level to prevent social hatred, that disinformation is a threat to democracy and recognizes the importance of the freedom of speech. However, it is profoundly important as it is the first United Nations Human Rights Council resolution that focuses squarely on disinformation as a human rights issue. It frames disinformation as an issue that could severely affect and undermine other human rights, such as health, participation in public life and freedom from discrimination. It calls states to take positive measures and urges them to cooperate with the media to fight against disinformation while simultaneously protecting human rights.⁷¹ Highlighting strong language on media freedom, the safety of journalists, and access to information held by public bodies, the resolution also mandated a high-level panel discussion on countering the negative impact of disinformation and ensuring a human rights-based response to take place at the 50th Session of the UN Human Rights Council in June 2022. It rejects measures that rely on censorship as a means of countering disinformation. They are not only

⁶⁹ Ibid.

⁷⁰ Ibid.

⁷¹ United Nations, 2022b.

fundamentally at odds with international human rights obligations, but ultimately facilitate the spread of disinformation throughout societies.⁷²

The resolution 49/21 was only a stepping stone towards the 55/10, adopted in 2024, which bears the same name as its ancestor. It builds on the foundation of 49/10 by launching a formal study process, conducted by the Human Rights Advisory Committee and inviting diverse contributions to shape future Council deliberations. It includes a call for written inputs—from states, UN agencies, civil society, academia, and other stakeholders—aiming to inform the Advisory Committee’s forthcoming study.⁷³ An expert workshop was introduced to review the methods used to spread disinformation and to promote tools and approaches to counter these challenges while protecting and reinforcing human rights standards. The resolution brings up AI and refers to it as both a threat to spreading disinformation, increasing the speed and scale of information manipulation and the dissemination of disinformation and misinformation; as well as a benefit to society. It acknowledges many opportunities that new technologies, such as artificial intelligence, might provide for effective responses to disinformation and misinformation if used in compliance with international human rights law.⁷⁴

1.5 KEY INSTITUTIONS ADDRESSING DISINFORMATION

1.5.1 UN Department of Global Communications (DGC)

“Approaches that seek simple solutions to this complex problem are likely to censor legitimate speech that is protected under international human rights law. Such overbroad restrictions are likely to exacerbate societal ills and increase public distrust and disconnections, rather than contribute to the resolution of underlying problems.” (A/77/287).⁷⁵ The DGC promotes the dissemination of accurate, evidence-based information

⁷² Ibid.

⁷³ United Nations, 2024a.

⁷⁴ Ibid.

⁷⁵ United Nations, 2023a.

to counter disinformation, particularly during times of crisis. It manages the **Verified Campaign**, launched in 2020, to deliver reliable content globally, supports UN Information Centres (UNICs), and fosters multilingual communication strategies to reach diverse populations, as access to information is variable across countries. The DGC's role expanded during the COVID-19 pandemic due to the rise in false information about health measures, necessitating coordinated global responses to address fake claims and unverified treatment theories to ensure public safety. The **Verified Campaign** partnered with local media to amplify credible details. The DGC aligns with the UN's **Global Principles for Information Integrity** (June 2024), which urges governments and tech companies to promote transparency and accountability without compromising human rights [6]. In Colombia, UNIC collaborated with Agence France-Presse (AFP) and local radio to counter WhatsApp scams, falsely promising UN food aid during the COVID-19 pandemic, reaching vulnerable communities, including Venezuelan refugees, reducing the impact of fraudulent schemes⁷⁶.

1.5.2 UN Human Rights Council (UNHRC)

The United Nations Human Rights Council (UNHRC) appoints a Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. This is an independent expert role established in 1993 by the UN Commission on Human Rights (now under the UNHRC) to monitor, report, and advise on global issues related to freedom of speech and expression, as protected under Article 19 of the International Covenant on Civil and Political Rights (ICCPR). Special Rapporteur actively engages with and counters disinformation as part of their mandate. Disinformation—defined as intentionally deceptive information spread to cause harm—is viewed not as a direct threat to freedom of expression but as something that must be addressed through robust protections for free speech. The Rapporteur's work emphasizes that suppressing speech under the pretext of fighting disinformation often exacerbates the problem and violates human rights.

⁷⁶ United Nations Development Programme, 2023a.

In **A/HRC/47/25 (2021)**, the Rapporteur examined disinformation's threats to human rights, democracy, and development in the digital age. The report critiques inadequate state and corporate responses, such as censorship or platform algorithms that amplify bias. It also recommends human rights-based strategies like media literacy, independent journalism, and multistakeholder collaboration. It stresses that "the right to freedom of opinion and expression is not part of the problem, it is the objective and the means for combating disinformation."⁷⁷

The UNHRC addresses disinformation's impact on human rights, advocating for proportionate responses that avoid censorship and protect freedom of expression under the **International Covenant on Civil and Political Rights (ICCPR)**. It organizes discussions to develop human rights-based strategies. The UNHRC's focus on disinformation intensified during the Ukraine conflict, where state-sponsored disinformation exacerbated tensions. Resolution **A/HRC/49/21** (April 2022), referred to in the previous point, led by Ukraine, Japan, Latvia, Lithuania, Poland, the UK, and the US, rejects censorship and emphasizes media freedom and journalist safety. It mandated a panel discussion at the 50th UNHRC Session (June 2022) to explore disinformation's human rights implications. The resolution highlighted the role of independent media in countering disinformation during the Ukraine crisis, where Russian state media spread false narratives about the conflict. The UNHRC's advocacy for journalist safety supported fact-checking efforts by Ukrainian media outlets.⁷⁸

1.5.3 UNESCO (UN Educational, Scientific and Cultural Organization)

UNESCO promotes **media and information literacy (MIL)** through its **International Programme for the Development of Communication (IPDC)**, supporting journalists, fact-checkers, and media development to build societal resilience against disinformation. In the Caribbean, UNESCO's IPDC trained 50 media professionals across nine countries in fact-checking techniques, enabling them to counter COVID-19 disinformation, such as myths

⁷⁷ United Nations Human Rights Council, n.d.a.

⁷⁸ ARTICLE 19, 2022c.

about unproven treatments, strengthening local media capacity and public trust. UNESCO's work aligns with the UN General Assembly's **A/RES/76/227**, which supports media literacy as a long-term strategy. UNESCO's 2020–2021 biennial report highlights its training programs for journalists.⁷⁹

1.5.4 UN Development Programme (UNDP)

The UNDP develops tools like the **iVerify platform**, a joint initiative with the European Commission, to combine human fact-checking with technology to counter disinformation during elections and crises.⁸⁰ In Sierra Leone, where 70% of the population relies on radio, iVerify partnered with the Sierra Leone Association of Journalists (SLAJ) and the Independent Radio Network (IRN) during the 2023 elections, fact-checking political claims, reducing misinformation and hate speech, with local journalists noting its role in holding politicians accountable.⁸¹

1.5.5 EUvsDisinfo (East StratCom Task Force)

The **European External Action Service (EEAS)**'s EUvsDisinfo identifies, analyzes, and raises awareness about disinformation, focusing on pro-Kremlin campaigns. It maintains a database of disinformation cases and supports research on **foreign information manipulation and interference (FIMI)**. The **EU's Action Plan Against Disinformation** (December 2018) mandates EUvsDisinfo to enhance strategic communications and coordinate with the **Rapid Alert System**⁸². The **Digital Services Act (DSA)** (2022) further regulates online platforms to curb disinformation.⁸³ In Moldova, ahead of the 2025 parliamentary elections, EUvsDisinfo exposed Kremlin narratives framing European

⁷⁹ United Nations, 2025a.

⁸⁰ United Nations Development Programme, 2023b.

⁸¹ United Nations Development Programme, 2023c.

⁸² European Commission, 2023.

⁸³ European Commission, 2024.

defense as “aggressive militarization,” supporting Moldova’s Centre for Strategic Communication and Combating Disinformation, enhancing voter resilience.⁸⁴

1.5.6 European Commission’s Action Plan Against Disinformation

Launched in 2018, the Action Plan strengthens EU institutions’ capabilities to detect, analyze, and counter disinformation, supporting the **Rapid Alert System** and funding research through **Horizon 2020**. It addressed hybrid threats during the 2019 EU elections and was reinforced during the COVID-19 pandemic to counter vaccine-related disinformation. The **Strengthened Code of Practice on Disinformation** (June 2022) commits platforms to transparency and fact-checking . The DSA complements this by imposing obligations on very large online platforms (VLOPs) to mitigate disinformation risks.⁸⁵ During the COVID-19 pandemic, the Rapid Alert System enabled rapid responses to false vaccine narratives in Italy, with EU institutions coordinating with fact-checkers to promote accurate health information.⁸⁶

1.5.7 European Digital Media Observatory (EDMO)

EDMO coordinates fact-checking, research, and policy collaboration across the EU, involving academia, media, and fact-checkers. It supports projects like **SocialTruth** and **WeVerify** to develop verification tools. The DSA and the **Media Freedom Act** (2022) support EDMO’s work by promoting media pluralism and protecting journalists from strategic lawsuits (anti-SLAPPs).⁸⁷

⁸⁴ EUvsDisinfo, 2025.

⁸⁵ European Commission, 2023a.

⁸⁶ European Commission, 2023b

⁸⁷ European Commission, 2024

1.5.8 Other Countries

United States: Global Engagement Center (GEC)

Established under the U.S. Department of State, the GEC counters foreign disinformation and propaganda from state actors like Russia and China, providing intelligence and supporting international partners. The **Executive Order on Advancing Digital Policy** (2022) prioritizes countering foreign disinformation. During the Ukraine conflict, the GEC exposed Russian disinformation justifying the invasion, providing actionable intelligence to EU and NATO allies, supporting sanctions against Kremlin-linked media.⁸⁸

India: Press Information Bureau (PIB) Fact Check Unit

Established in 2019 under the Ministry of Information and Broadcasting, the PIB Fact Check Unit verifies information related to government policies and counters disinformation on social media. It collaborates with fact-checking organizations and digital platforms to promote accurate information. The **Information Technology Rules, 2021**, mandate digital platforms to remove disinformation within 36 hours and establish grievance redressal mechanisms. During the 2020 Delhi riots, the PIB Fact Check Unit debunked false narratives on social media claiming government inaction, clarifying official responses, and reducing communal tensions.⁸⁹

Japan: Ministry of Internal Affairs and Communications (MIC) Disinformation Task Force

MIC's task force monitors and counters disinformation, particularly during elections and international crises, focusing on foreign interference. It promotes media literacy and coordinates with private platforms. The **Basic Act on Cybersecurity** (2014, amended 2022) includes provisions for addressing disinformation as a cyber threat, emphasizing public-private collaboration. Ahead of the 2023 G7 Summit, the MIC task force countered

⁸⁸ Carnegie Endowment for International Peace, 2020

⁸⁹ Government of India, 2021.

disinformation about Japan’s nuclear policies, particularly Fukushima water release, by releasing verified information in multiple languages, reducing public panic.⁹⁰

South Korea: Korea Communications Standards Commission (KCSC)

KCSC regulates online content, including disinformation, by reviewing complaints and ordering content removal. It collaborates with fact-checkers and platforms to ensure information integrity. The KCSC’s actions align with South Korea’s legal framework, balancing disinformation control with freedom of expression under ICCPR standards. The **Act on the Promotion of Information and Communications Network Utilization and Information Protection** (2001, amended 2023) empowers the KCSC to address illegal content, including disinformation, with fines for non-compliant platforms. During the 2020 parliamentary elections, the KCSC removed false claims about voter fraud, working with local fact-checkers to maintain electoral integrity.⁹¹

1.5.9 Notable failures of the institutions

1. Limited Enforcement Mechanisms

Institutions like the UNHRC and UNESCO produce detailed reports, such as A/HRC/47/25 on the impact on democracy and UNESCO’s guidelines on digital disinformation, but these lack binding legal authority.⁹² This absence of enforceable mechanisms allows state-sponsored disinformation to persist, as seen in Ukraine, where Russian false narratives about the conflict overwhelmed UNHRC’s non-binding resolutions like A/HRC/49/21, and in Gaza, where media restrictions hindered accurate reporting. Voluntary compliance fails to deter actors exploiting jurisdictional gaps, leaving vulnerable populations exposed to harmful disinformation without effective global intervention.⁹³

2. Overreach and Censorship Risks

⁹⁰ Japan Ministry of Internal Affairs and Communications, 2022

⁹¹ Korea Communications Standards Commission, 2023.

⁹² United Nations Human Rights Council, 2021a.

⁹³ United Nations, 2023b.

Efforts by India’s PIB Fact Check Unit and South Korea’s KCSC to counter disinformation through rapid content removal (e.g., India’s IT Rules 2021 mandating 36-hour takedowns) have sparked significant free speech concerns. India’s Supreme Court stayed PIB’s measures in 2024, citing risks of suppressing legitimate dissent, while South Korea’s “one strike” policy for “fake news” was criticized for constitutional violations in 2023.⁹⁴ These overreaches chill public discourse, deter independent journalism, and erode trust, as governments misuse anti-disinformation laws to target critics rather than address false narratives impartially.⁹⁵

3. Bias in Narrative Promotion

The DGC and EUvsDisinfo face accusations of selective bias, undermining their credibility. The DGC has been criticized for promoting anti-Israel narratives in its communications, particularly on social media posts about Holocaust denial, which fuels distrust among audiences seeking impartiality.⁹⁶ Similarly, EUvsDisinfo’s focus on pro-Kremlin campaigns often neglects disinformation from other sources, like China, creating a perception of partiality. This selective approach alienates stakeholders and amplifies skepticism, as audiences question whether these institutions prioritize geopolitical agendas over objective fact-checking, thus weakening their global anti-disinformation efforts.⁹⁷

4. Inadequate Real-Time Response

The DGC’s Verified Campaign and the European Commission’s Rapid Alert System struggle to respond swiftly to fast-spreading disinformation. A 2021 EU audit found that disinformation remains “tackled but not tamed,” with delays during the COVID-19 pandemic allowing vaccine myths to proliferate in Italy.⁹⁸ The DGC’s partnerships with local media, such as in Colombia, were slow to counter WhatsApp scams. These reactive

⁹⁴ The Hindu, 2024

⁹⁵ Freedom House, 2024.

⁹⁶ Fox News, 2025.

⁹⁷ Council of the European Union, 2023.

⁹⁸ United Nations Department of Global Communications, 2025.

approaches, coupled with reliance on short-term datasets, fail to keep pace with evolving threats like AI-generated deepfakes, undermining public trust and safety.⁹⁹

5. Insufficient Scalability

UNDP's iVerify platform and EDMO's tools like SocialTruth face scalability challenges, limiting their global impact. iVerify, used in Sierra Leone's 2023 elections, has been criticized in U.S. debates for potential censorship risks, raising First Amendment concerns. EDMO's fact-checking networks struggle with long-term platform compliance monitoring, as noted in 2025 reports, restricting effectiveness in diverse regions.¹⁰⁰ Limited funding and technical infrastructure hinder these tools' ability to adapt to varying linguistic and cultural contexts, leaving gaps in addressing disinformation during crises like elections or pandemics.¹⁰¹

6. Political Divisions and Inaction

The UNHRC's efforts, including resolutions like A/HRC/49/21, are hampered by political divisions among member states, reducing their impact on state-sponsored disinformation. The Special Rapporteur's focus on prioritizing freedom of expression over strict countermeasures, as outlined in A/HRC/47/25, has been criticized as short-sighted during elections, where disinformation incites violence. For example, in Ukraine, non-binding resolutions failed to protect journalists from state propaganda pressures. These divisions lead to inaction, allowing malicious actors to exploit gaps in global governance and undermine democratic processes.¹⁰²

7. Algorithmic and Platform Failures

The European Commission's Code of Practice (2022) and EDMO's coordination efforts struggle with poor platform compliance. Audits in 2024 revealed that platforms like Meta

⁹⁹ European Court of Auditors, 2021.

¹⁰⁰ United Nations Development Programme, 2023d.

¹⁰¹ European Digital Media Observatory, 2025.

¹⁰² European Digital Media Observatory, 2025.

fail to provide transparent data on algorithmic amplification of disinformation, particularly in multilingual contexts.¹⁰³ EDMO's reliance on short-term datasets limits its ability to monitor long-term trends, as seen in persistent COVID-19 misinformation. These failures allow biased algorithms to amplify false narratives, undermining citizens' ability to make informed decisions while failing to balance ECHR Article 10 protections.¹⁰⁴

8. Neglect of Local Contexts

UNESCO's IPDC and Japan's MIC task force apply broad strategies that overlook local nuances. IPDC's media literacy programs in the Caribbean failed to address influencer-driven COVID-19 myths, as a 2024 study noted most influencers neglect verification.¹⁰⁵ Japan's MIC lagged in countering Fukushima-related disinformation during the 2023 G7 Summit, relying on public disengagement rather than tailored defenses. These one-size-fits-all approaches fail to account for cultural and digital access disparities, reducing effectiveness in regions with unique disinformation challenges and perpetuating vulnerabilities.¹⁰⁶

9. Misuse by Governments

India's PIB Fact Check Unit and South Korea's KCSC have been misused to suppress dissent under disinformation pretexts. PIB's debunking of communal narratives during the 2020 Delhi riots was overshadowed by accusations of targeting critics, with India's Supreme Court

scrutinizing its 2021 IT Rules. South Korea's KCSC processed 148,751 media takedown requests in 2015, criticized for gagging the press. Such misuse prioritizes state narratives, erodes public trust, and deters independent journalism, undermining the impartiality needed for effective disinformation countermeasures.¹⁰⁷

¹⁰³ United Nations Human Rights Council, 2022a.

¹⁰⁴ Centre for European Reform, 2022.

¹⁰⁵ Internet Policy Review, 2024.

¹⁰⁶ Black Enterprise, 2024.

¹⁰⁷ East Asia Forum, 2025.

10. Resource and Coordination Gaps

The US GEC and EUvsDisinfo suffer from resource shortages and poor coordination. The GEC's 2024 closure, driven by funding cuts and accusations of domestic censorship, left a gap in countering Russian and Chinese disinformation, as seen in Ukraine.¹⁰⁸ EUvsDisinfo's reliance on short-term datasets limits its ability to track evolving threats, as noted in 2020 analyses. Interagency and international coordination failures hinder actionable intelligence-sharing, weakening global defenses against sophisticated disinformation campaigns by state actors.¹⁰⁹

1.6 CHALLENGES IN ADDRESSING DISINFORMATION

1.6.1 Developments in AI and Unverified Social Media Accounts

UN General Assembly Resolution A/78/L.49, adopted by consensus on March 21, 2024, during the 78th session, is the first UNGA resolution on artificial intelligence, titled "Seizing the opportunities of safe, secure and trustworthy artificial intelligence systems for sustainable development".¹¹⁰ Sponsored by the United States with over 120 co-sponsors, including China, it promotes AI's potential to advance Sustainable Development Goals while urging global standards for ethics, transparency, and human rights to mitigate risks like bias and disinformation. It reflects enforcement challenges similar to disinformation efforts, relying on voluntary compliance. It calls for capacity-building and a 2025 UN Secretary-General report, aligning with the Global Digital Compact.¹¹¹

Artificial intelligence (AI) advancements, such as generative models, enable rapid creation and spread of disinformation, including automated propaganda and tailored misinformation. Unverified social media accounts amplify this anonymously, evading

¹⁰⁸ Hankyoreh, 2023.

¹⁰⁹ Tech Policy Press, 2025

¹¹⁰ United Nations General Assembly, 2024.

¹¹¹ United Nations, 2024b.

platform accountability. AI-generated content mimics credible sources, undermining trust and complicating attribution, risking democratic processes and public safety. Social media handles engaging in disinformation campaigns often exploit confirmation bias, leading to exponential reach. This threatens freedom of expression by flooding platforms with false content, drowning out legitimate voices, and disproportionately affecting vulnerable groups targeted by hate-driven disinformation.¹¹²

For example: The false voter fraud claims during the 2021 Moldovan presidential elections and EU membership referendum exemplified a sophisticated disinformation campaign designed to undermine the pro-European Union outcome and sow distrust in democratic institutions. Pro-Russian actors, including exiled oligarch Ilan Shor, allegedly orchestrated networks to spread baseless allegations of widespread ballot stuffing, vote buying by the pro-Western Party of Action and Solidarity (PAS), and manipulation of voter rolls, particularly targeting diaspora votes from Western Europe. These narratives, amplified through social media and paid influencers, claimed that the government under President Maia Sandu had rigged the process to favor EU integration, despite international observers like the OSCE noting the elections were generally competitive with only minor irregularities.¹¹³ The claims exploited existing societal divisions, fueling polarization and suppressing turnout among Russian-speaking communities in the Gagauzia region and Transnistria, where false stories of "Russophobia" and electoral theft circulated widely. According to UN analyses, such disinformation leverages confirmation bias to achieve exponential reach, disproportionately affecting vulnerable populations and exacerbating hybrid threats from state actors like Russia, as seen in Moldova's case where the narratives contributed to post-election unrest and legal challenges.¹¹⁴ The UN Department of Global Communications highlighted how these tactics mirror global trends in election interference, where false fraud allegations serve to delegitimize results and erode public

¹¹² United Nations, 2024c.

¹¹³ United Nations, 2024d.

¹¹⁴ United Nations Human Rights Council, 2021b.

confidence, ultimately hindering sustainable development by destabilizing governance.¹¹⁵ The Moldovan Central Election Commission and PAS-led authorities debunked many claims through fact-checking, but the damage persisted, narrowly securing Sandu's victory with 57% in the runoff and a slim referendum majority for EU accession. This incident underscores the UN's emphasis on proactive measures like media literacy and multilateral cooperation to safeguard electoral integrity against foreign manipulation.

1.6.2 Deep Fakes and Propaganda Films, Twitter or X Trends on Disinformation

Deep fakes—AI-generated audio, video, or images mimicking real people—enable sophisticated disinformation campaigns. State-sponsored propaganda films amplify false narratives visually. X trends highlight campaigns, especially from Russia and Iran, targeting elections and conflicts, exploiting trust in visual media, and challenging fact-checking. The overreach of fakes and the inability to regulate their propagation may force governments into mass censorship, risking restrictive laws.¹¹⁶ **UN General Assembly Resolution 76/227** (2021) urges countering deep fakes while protecting human rights, emphasizing media literacy (Media Literacy Programs).¹¹⁷ The EU's **Code of Practice on Disinformation** (2018, amended 2022) requires platforms to detect deep fakes, balancing **ECHR Article 10**.¹¹⁸ China's propaganda portrays Xinjiang's Uyghur internment camps as voluntary "vocational training centers" for poverty alleviation and counter-terrorism, denying mass detention, torture, and cultural erasure. State media, like Xinhua, promote narratives of "happy Muslims" and economic progress, dismissing UN reports as "Western lies." Organized tours and scripted detainee testimonials amplify this disinformation, obscuring evidence of over one million arbitrary detentions since 2017, surveillance, and religious freedom violations, potentially constituting crimes against humanity. This campaign suppresses global scrutiny, justifies assimilation, and intimidates diaspora, undermining accountability.

¹¹⁵ United Nations, 2023c.

¹¹⁶ United Nations Human Rights Council, 2022b.

¹¹⁷ United Nations, 2023d.

¹¹⁸ European Commission, 2023.

1.6.3 Sovereignty and Cooperation (Cross-Border Disinformation)

Cross-border disinformation, often state-sponsored (e.g., Russia, China, Iran), challenges sovereignty by influencing elections or conflicts abroad. Differing legal frameworks and intelligence-sharing reluctance hinder cooperation. Russia and China resist global norms, complicating rights-based responses. Cross-border disinformation undermines democratic processes (**UDHR Article 21**) by manipulating discourse, as seen in Russian interference in the 2016 US elections. Internet shutdowns, like in Gaza or Jammu and Kashmir, restrict access to information.¹¹⁹ The UN recommends cooperative laws within neighboring states, though hostilities between states complicate this. The **UNHRC Resolution 55/10** (2023) calls for cooperation while respecting sovereignty. The **EU Action Plan Against Disinformation** (2018) promotes cross-border collaboration via the **European External Action Service (EEAS)**.

1.6.4 Jurisdictional Loopholes or Bypasses

Jurisdictional loopholes occur when disinformation originates abroad, evading local laws. Actors use VPNs, encrypted apps, or offshore servers to bypass enforcement, enabling campaigns, particularly from Russia and Iran. Examples include Russia's 2022 Ukraine disinformation using offshore servers and China's 2021 Hong Kong protest disinformation using VPNs.¹²⁰

1.6.5 Free Speech Protections

Free speech protections complicate countermeasures. Overbroad regulations risk censoring legitimate speech, while under-regulation allows disinformation, challenging the balance with public safety, as seen in overregulation in China and Russia suppressing dissent.¹²¹ Relevant laws include the **UNHRC Resolution** (April 2022), reaffirming freedom

¹¹⁹United Nations Human Rights Council, n.d. b.

¹²⁰ United Nations Human Rights Council, n.d. c.

¹²¹ ARTICLE 19, 2022.

of expression, and the EU's **Code of Practice on Disinformation** (2022), balancing removal with **ECHR**.¹²²

1.6.6 Public Media Literacy

Low media literacy amplifies disinformation's spread, as individuals struggle to evaluate sources. Limited digital tool understanding makes people vulnerable during elections or crises. Challenges include uneven educational access and perceptions of government-led literacy as propaganda.

The January 6, 2021, attack on the U.S. Capitol was a violent assault by a mob of supporters of then-President Donald Trump, who stormed the building during the certification of the 2020 presidential election results, aiming to disrupt the peaceful transfer of power to President-elect Joe Biden.¹²³ Fueled by months of baseless claims that the election was "stolen" through widespread fraud, the rioters—many waving Confederate flags and chanting threats against Vice President Mike Pence and lawmakers—breached barricades, assaulted over 140 police officers, smashed windows, and ransacked offices, resulting in five deaths, including a Capitol Police officer.¹²⁴ The chaos delayed certification for hours, with rioters searching for lawmakers to harm, while Trump delayed condemning the violence, instead issuing a video urging supporters to "go home" but reiterating election lies.¹²⁵ This incident, described by the UN as a stark example of disinformation's role in eroding democratic processes, exemplified how false narratives—such as rigged voting machines and antifa infiltrators—mobilized thousands via social media, exploiting confirmation bias to incite real-world violence and deepen societal polarization.¹²⁶ Post-event, a wave of disinformation amplified chaos, with claims of FBI orchestration or "peaceful tourism" persisting, as noted in UN reports on how such tactics undermine trust

¹²² European Commission, 2023.

¹²³ United Nations Human Rights Council, 2021c.

¹²⁴ United Nations, 2023e.

¹²⁵ United Nations Human Rights Council, 2022c.

¹²⁶ United Nations Human Rights Council, 2022d.

in institutions and threaten global human rights standards.¹²⁷ The UN Human Rights Council has highlighted this as a case where unregulated online platforms flooded with unverified content drowned out legitimate discourse, disproportionately affecting vulnerable groups and enabling hybrid threats from domestic extremists.¹²⁸ Over 1,200 individuals have been charged, but ongoing denial—fueled by right-wing media—has fractured public memory, with polls showing partisan divides on whether it was an "insurrection" (89% Democrats vs. 10% Republicans), underscoring disinformation's long-term destabilizing effects on democracy.¹²⁹

1.6.7 Political Weaponisation

Political weaponisation involves actors using disinformation to undermine opponents, influence elections, or destabilize societies. State-sponsored (e.g., Russia, China) and domestic misuse erode trust, challenging the distinction between legitimate discourse and malicious disinformation. Examples include Russian intervention in the Moldovan elections and Iran's crackdown on anti-hijab protests.¹³⁰

1.6.8 Ambiguity in Defining Disinformation

The lack of a universal disinformation definition creates ambiguity, complicating regulation. Vague definitions lead to inconsistent enforcement, enabling malicious actors or government misuse to suppress dissent. The UN emphasizes clear definitions, and the **UNHRC Resolution 55/10** (2023) calls for clarity to address developing technology and post-COVID digital growth.¹³¹

¹²⁷ United Nations, 2024e.

¹²⁸ United Nations Human Rights Council, 2022e.

¹²⁹ United Nations, 2021b.

¹³⁰ United Nations Human Rights Council, n.d.d.

¹³¹ United Nations, 2023f.

1.6.9 Attribution and Accountability Challenges

Attributing disinformation to actors (e.g., state-sponsored, anonymous) is challenging due to spoofing, encrypted platforms, and proxy networks. Accountability is complicated by jurisdictional issues and platform data reluctance, enabling states like Russia and Iran to evade responsibility. Examples include Russia's 2022 Ukraine disinformation using proxy servers, Iran's 2022 protest disinformation, China's 2020 COVID-19 disinformation using untraceable bots, and India's 2023 communal disinformation¹³².

1.7 BLOC POSITIONS

High Freedom

1. **Countries:** Netherlands, Iceland, Switzerland, Luxembourg*
2. **Position:** Advocate for media literacy, journalist protections, and transparent governance to counter disinformation without restricting speech. Disinformation is largely viewed as a threat to democratic processes, and censorship is largely rejected. Support UNHRC resolutions emphasizing UDHR compliance. Likely to propose funding for global media literacy programs and fact-checking platforms like iVerify.

Moderate Freedom

- **Countries:** Brazil, United States, France, Japan, Republic of Korea, Spain, Czechia, Ghana, Côte d'Ivoire, Gambia
- **Position:** Support balanced disinformation policies but face domestic challenges like journalist harassment (Brazil) or platform-driven moderation debates (US). Likely to push for multi-stakeholder collaboration but may resist binding regulations due to domestic political pressures. Political polarization complicates consensus on what constitutes harmful disinformation.

¹³² United Nations, 2025b.

Restricted Freedom

- **Countries:** India, Bangladesh, Indonesia, Malaysia, Nepal, Thailand, Honduras, Bolivia, Paraguay, Albania, Bulgaria, Montenegro, North Macedonia, South Sudan, Togo, Kenya, Democratic Republic of the Congo, Malawi, Benin, Ukraine, Dominican Republic, Colombia, Mexico
- **Position:** Mixed approaches; some (e.g., India) use disinformation laws to suppress dissent, while others (e.g., Colombia) seek to improve media environments but face violence. A large number of violent incidents are recorded against journalists, who often operate under threat, resulting in limited transparency. Likely to support UNHRC resolutions conditionally, prioritizing state sovereignty over human rights reforms.

Severe Repression

- **Countries:** China, Eritrea, Sudan, Cuba, Vietnam, Qatar, Ethiopia, Somalia, Burundi, Kazakhstan, Marshall Islands
- **Position:** This block includes authoritarian regimes, which defend state-controlled media and disinformation laws as sovereign rights, opposing UNHRC interventions. Likely to block resolutions criticizing censorship or propaganda, citing national security, and employ state propaganda and official narratives to counter what they label as “foreign disinformation.”

Block	Countries
High Freedom	Netherlands, Iceland, Switzerland, Luxembourg
Moderate Freedom	Brazil, United States, France, Japan, Republic of Korea, Spain, Czechia, Ghana, Côte d’Ivoire, Gambia

Restricted Freedom	India, Bangladesh, Indonesia, Malaysia, Nepal, Thailand, Honduras, Bolivia, Paraguay, Albania, Bulgaria, Montenegro, North Macedonia, South Sudan, Togo, Kenya, Democratic Republic of the Congo, Malawi, Benin, Ukraine, Dominican Republic, Colombia, Mexico
Severe Repression	China, Eritrea, Sudan, Cuba, Vietnam, Qatar, Ethiopia, Somalia, Burundi, Kazakhstan, Marshall Islands

1.8 CONCLUSION

Disinformation presents a complex, multi-dimensional challenge that threatens the integrity of information and democratic institutions worldwide, as well as affects social cohesion. As outlined throughout this study guide it encompasses a broad spectrum of types and intent, ranging from information spread unintentionally, to coordinated, state-sponsored campaigns aimed at manipulating public perception. All in all, it affects human rights, either directly or indirectly. Its impacts are far-reaching, as disinformation can erode trust in governments and institutions, deteriorate polarization, incite violence, and threaten vulnerable communities.

Despite numerous international and regional frameworks, including key human rights laws, UN resolutions and specialized institutions, significant gaps remain in enforcement, cross-border cooperation, accountability and legislation. Current legislation on disinformation is fragmented and often lags behind technological advances, including AI-generated content, deepfakes, and evolving social media platforms. Addressing disinformation requires a coordinated, multi-level approach as revisiting and harmonizing laws to reflect these developments, while safeguarding freedom of expression and other human rights, is essential. Furthermore, public media literacy remains uneven, increasing susceptibility to manipulation, especially in regions with limited education or access to reliable information.

The UNHRC can play a central role by setting global standards, promoting transparency and supporting local initiatives to ensure that measures against disinformation are effective, fair, and rights-respecting. Ultimately, only through such integrated strategies can the international community mitigate the harmful effects of disinformation and strengthen social trust, democratic resilience, and global information integrity.

1.9 ISSUES TO CONSIDER

1. How does disinformation impact the right to freedom of expression?

Freedom of expression, as outlined in Article 19 (UDHR), ensures everyone has the right to share their opinions and access information freely. However, laws aimed at stopping disinformation in countries like Bangladesh and Vietnam often go too far, even in countries like the UK. It has implemented rough regulations and has arrested citizens over social media activity. These laws can be vague, allowing governments to silence voices they do not like, such as activists, journalists, or ordinary citizens.

This kind of censorship harms free speech because it creates fear. People stop sharing their thoughts or reporting facts, worried they might be punished. Any solution to disinformation must protect free expression by ensuring laws are clear, fair, and do not target dissent. For example, instead of vague rules, governments could focus on promoting accurate information while allowing open discussions. Delegates at the UNHRC should create guidelines that stop disinformation without giving governments an excuse to censor free speech.

2. Could state-sponsored propaganda be prevented by introducing legal frameworks?

In some countries, governments themselves spread disinformation to control what people think. In places like Eritrea and Cuba, state-run media dominates, and independent news is rare. These governments use propaganda to shape public opinion, hide the truth, or silence opposition. For instance, in Eritrea, the government controls all media outlets, ensuring only its version of events reaches the public. In Cuba, state media often spreads misleading

stories to support the government's agenda, leaving citizens with little access to truthful information.

This is a big problem because it denies people the ability to make informed decisions. Solutions must focus on exposing and countering government-led disinformation without accidentally silencing legitimate voices. For example, international organizations could support independent media or fact-checking groups in these countries. However, care must be taken to avoid punishing citizens who share government-approved information out of necessity. The UNHRC could encourage transparency, like requiring governments to allow independent media or face international scrutiny. Could legislation be introduced to restrict or prevent states from engaging in state-sponsored disinformation?

3. How could the safety of journalists be ensured?

Journalists play a critical role in fighting disinformation by reporting accurate facts. However, in many countries, journalists face violence, harassment, or jail for doing their jobs. In Mexico, for example, 11 journalists were killed in 2022 because of their reporting. In China, over 100 journalists have been detained for covering sensitive topics like government corruption or human rights abuses. When journalists are attacked or silenced, disinformation spreads more easily because there is no one to challenge false narratives.

Protecting journalists is essential to ensure people have access to reliable information. Solutions could include stronger international laws to punish those who harm journalists and creating safe spaces for reporters to work without fear. The UNHRC could push for investigations into journalist attacks and support programs that train journalists to report safely in dangerous environments.

4. How could the internet be perpetually accessible, avoiding shutdowns and censorship?

Access to the internet is vital for sharing and finding accurate information. However, some governments block the internet or censor online content to control what people see. In 2022, India had 124 internet shutdowns, often during protests or elections, to stop the

spread of information. Other countries, like Iran and Myanmar, have used similar tactics to limit communication and hide government actions. This makes it harder for people to find trustworthy news and easier for disinformation to spread in the confusion.

Solutions must focus on keeping the internet open and accessible. International agreements could pressure governments to avoid shutdowns except in extreme cases, like national emergencies, and even then, they should be limited. The UNHRC could also promote tools like VPNs or secure platforms that help people access information during shutdowns. Additionally, educating people on how to find reliable sources online can reduce the impact of censorship.

5. How are disinformation policies misused to target dissent?

Some governments use disinformation laws as an excuse to silence critics. In countries like Thailand and Qatar, laws meant to stop false information are often applied to punish people who criticize the government or speak out on social issues. For example, in Thailand, the Computer Crime Act has been used to arrest activists for sharing posts that challenge the monarchy or government policies. In Qatar, vague cybercrime laws allow authorities to target dissenters under the guise of fighting disinformation.

This misuse of laws undermines trust and human rights. The UNHRC must oversee these policies to ensure they follow international human rights standards. For instance, they could require countries to make their disinformation laws transparent and accountable, with clear definitions of what counts as false information. Independent monitors could review cases to ensure people are not being punished for their opinions. Solutions should also encourage governments to focus on educating the public about disinformation rather than jailing critics.

6. How do global inequities affect media literacy?

Not everyone has the same ability to spot disinformation. In regions like Sub-Saharan Africa, low literacy rates and limited access to education make people more vulnerable to false information. Many people lack the skills to check if a news story or social media post

is true. This problem is worse in areas with poor internet access or few independent media sources, leaving people reliant on rumors or misleading news.

To address this, solutions must be tailored to local needs. For example, programs in Sub-Saharan Africa could teach media literacy in schools or through community workshops, using simple tools like radio or mobile apps to reach more people. International organizations could fund local fact-checking groups to provide accurate information in local languages. The UNHRC could support these efforts by creating global guidelines for media literacy programs that respect cultural differences and focus on empowering communities to fight disinformation.

7. Should legislation on disinformation be revisited for the digital age?

As it was mentioned throughout the text, current legislation is outdated and divided. Some states have already passed laws that assess technological developments and AI, however most are still remaining passive. Many questions on this issue remain avoided and unanswered. Could current legislation on the topic be revisited and adopted to be in touch with the modern world and developments, while not neglecting human rights? As states are divided into different blocs that do not agree on the view of how to assert disinformation, is there a way for a synchronised legislation to be adopted (i.e. to be legally binding for all countries)?

1.10 FURTHER READING

1. A short guide to the history of 'fake news' and disinformation

https://www.icfj.org/sites/default/files/2018-07/A%20Short%20Guide%20to%20History%20of%20Fake%20News%20and%20Disinformation_ICFJ%20Final.pdf

2.State-Sponsored Disinformation Around the Globe

<https://www.taylorfrancis.com/reader/read-online/2710f1b3-34e9-43cb-83ef-58d6524efcf7/book/epub?context=ubx>

3. Social Media and Fake News in the 2016 Election

<https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.31.2.211>

4. **Disinformation as Political Communication**
<https://www.tandfonline.com/doi/epdf/10.1080/10584609.2020.1723755?needAccess=true>
5. **Free Speech Principles to Consider when Restricting Disinformation**
https://www.epa.hu/01900/01963/00083/pdf/EPA01963_inf_2024_02_115-128.pdf
6. **The human component in social media and fake news: the performance of UK opinion leaders on Twitter during the Brexit campaign**
<https://www.tandfonline.com/doi/epdf/10.1080/13825577.2021.1918842?needAccess=true>
7. **Media Literacy Education, Misinformation, and the Digital Divide**
<https://ruor.uottawa.ca/server/api/core/bitstreams/3ae67814-43e5-48fb-92f3-340c24100099/content#page=80>

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2. THE IMPLICATIONS OF PLASTIC POLLUTION ON HUMAN RIGHTS

2.1 INTRODUCTION

Plastic pollution has emerged as a pressing global crisis, with far-reaching consequences for ecosystems, human health, and fundamental human rights. Its pervasive nature affects not only the environment but also the social, economic, and health dimensions of human life, disproportionately impacting marginalized and vulnerable communities. The production, use, and disposal of plastics contribute to environmental degradation, health risks, and socioeconomic disparities, threatening rights such as access to clean water, health, food security, and a healthy environment. Addressing this crisis requires a multifaceted, human rights-based approach, underpinned by international cooperation, as highlighted by the ongoing negotiations for a Global Plastics Treaty (2024–2025) led by the United Nations Environment Programme (UNEP). This treaty aims to establish binding commitments to reduce plastic pollution and protect human rights, emphasizing the urgency of collective action.¹³³

2.1.1 Definition of Plastic Pollution and Other Relevant Definitions

Plastic pollution refers to the accumulation of plastic materials in the environment, adversely affecting ecosystems, wildlife, and human health. According to the United Nations Environment Programme (UNEP), it encompasses the presence of plastics, including microplastics, in terrestrial, aquatic, and atmospheric environments, resulting from their production, use, and improper disposal. Plastics are synthetic polymers, primarily derived from fossil fuels such as petroleum and natural gas, and are characterized by their durability and resistance to biodegradation, with lifespans ranging from decades to centuries.¹³⁴ This persistence exacerbates their environmental impact, as plastics do not decompose but fragment into smaller particles over time.

¹³³ United Nations Environment Programme, 2022.

¹³⁴ United Nations Environment Programme, 2022a.

Key definitions related to plastic pollution include:

- **Microplastics:** Plastic particles smaller than 5mm, originating either from the degradation of larger plastics (secondary microplastics) or from manufactured products like microbeads in cosmetics and textiles (primary microplastics).¹³⁵ Microplastics are found in water bodies, soil, air, and even human blood, posing significant health risks.¹³⁶
- **Marine Litter:** Waste, predominantly plastics, that enters oceans, disrupting marine ecosystems and harming marine life through ingestion and entanglement.¹³⁷ Marine litter includes items like fishing nets, plastic bags, and bottles, contributing to approximately 8–14 million metric tonnes of plastic entering oceans annually.
- **Single-Use Plastics:** Disposable plastic items, such as straws, bags, and cutlery, designed for one-time use before disposal. These constitute about 50% of global plastic production and are a major contributor to plastic pollution due to their widespread use and low recycling rates.
- **Hazardous Substances:** Toxic chemicals in plastics, such as phthalates, bisphenol A (BPA), and polyvinyl chloride (PVC) additives, which pose significant risks to human health and the environment. These substances can leach into water, soil, and food, causing long-term health effects, including hormonal disruptions and cancer.¹³⁸

These definitions provide a foundation for understanding the scope and complexity of plastic pollution and its intersection with human rights.

¹³⁵ Jambeck et al., 2015.

¹³⁶ GESAMP, 2016.

¹³⁷ Leslie et al., 2022.

¹³⁸ UNEP, 2021a.

2.1.2 Classification of Plastic Pollution

Plastic pollution is categorized based on size, source, and environmental impact, each contributing to its pervasive effects on ecosystems and human rights.

By Size:

- **Macroplastics:** Large plastic items (>5mm), such as bottles, bags, and fishing nets, visible in rivers, oceans, and terrestrial environments. These items are responsible for physical hazards like entanglement and habitat destruction.¹³⁹
- **Microplastics:** Tiny plastic particles (<5mm) found in water, soil, air, and even human tissues. Their small size allows them to infiltrate ecosystems and food chains, posing unique health risks.¹⁴⁰
- **Nanoplastics:** Particles smaller than 1µm, capable of penetrating cells and tissues, potentially causing cellular damage and long-term health impacts. Their small size makes them difficult to detect and mitigate.¹⁴¹

By Source:

- **Primary Microplastics:** Intentionally manufactured small plastics, such as microbeads in cosmetics, nurdles (plastic pellets used in manufacturing), and microfibers from synthetic textiles. These are designed for specific applications but contribute significantly to environmental pollution.¹⁴²
- **Secondary Microplastics:** Result from the breakdown of larger plastics due to weathering, UV exposure, and mechanical degradation. Examples include fragments from degraded plastic bags and packaging.¹⁴³

¹³⁹ UNEP, 2021b.

¹⁴⁰ Leslie et al., 2022.

¹⁴¹ Campanale et al., 2020.

¹⁴² Campanale et al., 2020.

¹⁴³ GESAMP, 2016.

- **Industrial Sources:** Waste generated from manufacturing, packaging, and shipping industries, contributing approximately 30% of marine plastics. This includes plastic pellets lost during transport and industrial waste dumped improperly.

By Environmental Impact:

- **Terrestrial Pollution:** Plastics in landfills and as litter contaminate soil and groundwater, affecting agricultural productivity and access to clean water. Landfills often lack proper containment, leading to leakage into surrounding environments.¹⁴⁴
- **Marine Pollution:** An estimated 8–14 million metric tonnes of plastics enter oceans annually, harming marine life through ingestion, entanglement, and habitat destruction. This affects fisheries and coastal communities dependent on marine resources.¹⁴⁵
- **Atmospheric Pollution:** Microplastics and nanoplastics suspended in the air can be inhaled, posing respiratory and systemic health risks to humans and animals. Studies have detected microplastics in urban and remote atmospheric environments.

Case Study: Microplastics in the Great Lakes, USA

The Great Lakes, a critical freshwater resource for millions in the United States and Canada, are heavily contaminated with microplastics. A 2018 study found up to 32,000 microplastic particles per square kilometer in surface waters, originating from urban runoff, wastewater, and degraded plastic waste. This pollution threatens the right to clean water for communities relying on the lakes for drinking water and fishing, while also affecting aquatic ecosystems.¹⁴⁶

¹⁴⁴ Barnes et al., 2009.

¹⁴⁵ Barnes et al., 2009.

¹⁴⁶ Eriksen et al., 2018.

2.1.3 Why Plastic Pollution is a Major Issue

Plastic pollution poses significant threats to human rights through its multifaceted impacts on ecosystems, health, and socioeconomic systems. Below, each impact is expanded with case studies and examples to illustrate its human rights implications.

Habitat Destruction

Plastic pollution devastates natural habitats, disrupting ecosystems and displacing wildlife. In terrestrial environments, plastics clog waterways and cover soil, reducing fertility and affecting agricultural yields. In marine environments, plastics smother coral reefs and seagrass beds, critical habitats for marine biodiversity. Plastic debris on beaches and in oceans disrupts nesting grounds for sea turtles and seabirds, leading to population declines [5]. Coastal communities reliant on fishing and tourism face economic losses, threatening their right to resources and livelihoods. For example, plastic accumulation in coastal areas can reduce fish stocks by up to 20% in heavily polluted regions, directly impacting communities' access to food and income.¹⁴⁷

Case Study: Plastic Pollution in Indonesia's Citarum River The Citarum River in Indonesia, once a vital resource for fishing and irrigation, is now one of the world's most polluted rivers due to plastic waste. Over 20,000 tonnes of plastic enter the river annually, clogging waterways and destroying aquatic habitats. Local communities, dependent on the river for water and livelihoods, face reduced fish stocks and contaminated water, violating their rights to clean water and food security. Efforts to clean the river have been insufficient, with only 10% of waste being managed effectively, leaving communities vulnerable.¹⁴⁸

Contamination

Plastics contaminate water, soil, and air, compromising access to clean resources. When plastics break down, they release microplastics and toxic chemicals that infiltrate

¹⁴⁷ Wilcox et al., 2015.

¹⁴⁸ Cordova & Nurhati, 2019.

groundwater and surface water, making them unsafe for drinking or irrigation. In rural areas with limited waste management, communities are particularly vulnerable, as contaminated water sources lead to long-term health issues, undermining the right to a healthy environment. Globally, over 2 billion people lack access to safely managed drinking water, partly due to plastic-related contamination.¹⁴⁹

Example: Water Contamination in Lagos, Nigeria In Lagos, Nigeria, open dumpsites and poor waste management result in plastic waste leaching into groundwater and coastal waters. A 2020 study found high levels of microplastics in drinking water sources, with concentrations reaching 1,000 particles per liter in some areas, posing health risks to millions of residents. This contamination disproportionately affects low-income communities, who lack access to alternative water sources, violating their right to clean water.¹⁵⁰

Toxicity Increase

Plastics contain and release toxic chemicals, such as phthalates, BPA, and flame retardants, which create hazardous environments. These substances leach into water, soil, and air, affecting ecosystems and human health. Marine animals ingest plastics, which release toxins into their tissues, entering the food chain and impacting human consumers. Communities near polluted sites, often marginalized groups, face heightened health risks, undermining their right to a safe environment. For instance, studies estimate that 90% of seabirds have ingested plastic, transferring toxins up the food chain.¹⁵¹

Case Study: Plastic Waste Burning in Delhi, India In Delhi, India, informal waste burning to manage plastic waste releases toxic fumes, including dioxins and furans, into the air. A 2019 study linked these emissions to a 15% increase in respiratory illnesses and elevated cancer risks in nearby communities, particularly affecting low-income workers in waste

¹⁴⁹ UNEP, 2020.

¹⁵⁰ Adeyemi et al., 2020.

¹⁵¹ Campanale et al., 2020.

management. This practice violates their right to health and a safe environment, as air quality indices in these areas often exceed safe levels by 300%.¹⁵²

Chemical Exposure

Humans are directly exposed to harmful chemicals in plastics through food, water, and air. For example, BPA in plastic food packaging can leach into food, especially when heated, leading to hormonal disruptions and increased cancer risk. Vulnerable populations, such as children and pregnant women, face higher risks, as these chemicals can affect developmental and reproductive health, violating the right to health. Globally, over 80% of plastic packaging contains hazardous chemicals, amplifying exposure risks.¹⁵³

Example: BPA Exposure in Food Packaging A 2021 study in the United States found detectable levels of BPA in the urine of 97% of tested children, linked to exposure from plastic food containers and packaging. This widespread exposure raises concerns about long-term health impacts, including a 20% higher risk of developmental disorders in children, threatening their right to health.¹⁵⁴

Climate Change Contribution

Plastic production and disposal contribute to climate change, exacerbating human rights challenges. Manufacturing plastics relies heavily on fossil fuels, emitting approximately 2.2 billion tonnes of CO₂ annually. Incineration of plastic waste releases additional emissions, while degraded plastics in landfills release methane, a potent greenhouse gas. These processes drive global warming, leading to rising sea levels, extreme weather, and food insecurity, disproportionately affecting vulnerable communities and threatening their rights to housing, food, and security.¹⁵⁵

¹⁵²Sharma & Chatterjee, 2019.

¹⁵³ Campanale et al., 2020.

¹⁵⁴ Trasande et al., 2021.

¹⁵⁵ Farrelly & Green, 2020.

Case Study: Pacific Island Nations Small island nations like Kiribati and the Maldives face existential threats from rising sea levels driven partly by plastic-related emissions. Plastic waste dumped in oceans exacerbates environmental degradation, with 80% of marine litter originating from land-based sources. Climate change impacts threaten the right to housing and self-determination for these communities, as 50% of their land could be inundated by 2050.¹⁵⁶

Socioeconomic Impacts

Plastic pollution disproportionately affects poorer communities, exacerbating economic and social inequalities. Plastic waste reduces the economic value of natural resources, such as fisheries and tourism, leading to job losses and reduced incomes. Cleanup efforts divert resources from essential services like education and healthcare, deepening poverty and violating the right to an adequate standard of living. In developing nations, plastic pollution costs economies an estimated \$100 billion annually in lost revenue and cleanup expenses.¹⁵⁷

Example: Tourism Decline in Bali, Indonesia Bali's beaches, once a global tourism hotspot, are now littered with plastic waste, particularly during the monsoon season. A 2022 report estimated a 30% decline in tourism revenue in affected areas, impacting over 100,000 local workers' livelihoods and violating their right to an adequate standard of living. Cleanup efforts cost the local government \$10 million annually, diverting funds from social services.¹⁵⁸

Food Chain Disruption

Plastics infiltrate the food chain, starting with small marine organisms and moving up to larger fish consumed by humans. Ingested plastics cause physical harm or release toxins, reducing fish populations and contaminating seafood. This threatens food security and

¹⁵⁶ Purba et al., 2022.

¹⁵⁷ UNEP, 2020.

¹⁵⁸ Purba et al., 2022.

economic stability for coastal communities, violating their right to food. Globally, fisheries losses due to plastic pollution are estimated at \$1.2 billion annually.¹⁵⁹

Case Study: Plastic in Seafood in the Philippines In the Philippines, a 2020 study found microplastics in 70% of fish samples from Manila Bay, a major fishing area. This contamination reduces fish availability and safety, threatening the food security of coastal communities, where 60% of protein intake comes from seafood, violating their right to food.¹⁶⁰

Public Health Infrastructure Strain

Plastic pollution strains healthcare systems, particularly in developing countries. Exposure to plastic-related toxins through contaminated water, food, or air increases the incidence of diseases like respiratory infections and cancers. In resource-scarce regions, healthcare systems struggle to cope, leading to worse health outcomes and violating the right to health. In low-income countries, plastic-related health issues increase healthcare costs by up to 50% of GDP.¹⁶¹

Example: Healthcare Strain in Haiti In Haiti, plastic pollution in water sources contributes to waterborne diseases, straining an already fragile healthcare system. A 2021 report highlighted a 25% increase in hospital admissions for gastrointestinal issues linked to contaminated water, exacerbating the burden on limited medical resources and violating the right to health.¹⁶²

Intergenerational Harm

Chemicals in plastics, such as endocrine disruptors, can affect health across generations. Pregnant women exposed to microplastics may pass these toxins to their unborn children, leading to developmental issues. This violates intergenerational equity, a human rights

¹⁵⁹ UNEP, 2021.

¹⁶⁰ Deocaris et al., 2020.

¹⁶¹ GESAMP, 2016.

¹⁶² WHO, 2021.

principle ensuring future generations inherit a clean and healthy environment. Studies suggest that microplastic exposure could increase the risk of congenital disorders by 10%.¹⁶³

Case Study: Microplastics in Human PlacentasA 2021 study in Italy detected microplastics in human placentas, raising concerns about their impact on fetal development. This finding underscores the intergenerational health risks of plastic pollution, with potential increases in developmental disorders threatening the right to a healthy environment for future generations.¹⁶⁴

Economic Inequality

Plastic pollution exacerbates global inequalities through practices like “waste colonialism,” where wealthier nations export plastic waste to poorer countries. These communities face polluted environments and health risks, while exporting nations avoid responsibility. This practice deepens economic and environmental injustice, violating the right to equality. In 2019, over 1.8 million tonnes of plastic waste were exported from high-income to low-income countries.¹⁶⁵

Case Study: Waste Colonialism in MalaysiaIn 2018, Malaysia became a major destination for plastic waste from Western countries after China banned imports. Local communities near dumping sites faced air and water pollution, with a 2019 report documenting a 30% increase in respiratory illnesses and water contamination, violating their right to a healthy environment.¹⁶⁶

¹⁶³ United Nations Human Rights Council, 2021d.

¹⁶⁴ Ragusa et al., 2021.

¹⁶⁵ United Nations Human Rights Council, 2021e.

¹⁶⁶ Marks & Miller, 2019.

2.2 INFRINGEMENT OF HUMAN RIGHTS

Plastics, more precisely plastic pollution, greatly impacts our lives and human rights without us even fully realizing it, and more attention needs to be brought to the problem. As the Human rights Council stated in its 52nd session, “The impact of plastic pollution on a broad range of human rights is undeniable.”¹⁶⁷ Stated below are some of the most important human rights that are affected by plastic pollution.

2.2.1 Right to Life

First (and some might say most important) human right is the right to life, recognized in Article 3 of UDHR and Article 6 of ICCPR. It is the supreme right from which no derogation is permitted, even during armed conflict or other public emergencies that threaten the life of the nation. Its protection extends not only to cases of intentional deprivation of life, but also to situations where loss of life is foreseeable and preventable.¹⁶⁸ Threats can arise in many contexts, including criminal and gun violence, traffic and industrial accidents, environmental degradation and disasters, inadequate physical and mental healthcare, life-threatening diseases, armed conflicts, extreme poverty, hunger and malnutrition.¹⁶⁹ States therefore have a positive duty to safeguard life by establishing a comprehensive legal framework that ensures its full enjoyment, including adopting and enforcing regulations to address all reasonably foreseeable risks, whether they stem from public authorities, private actors, or other institutions with responsibility for protecting the right to life. In regards to plastic pollution, the right to life is compromised by plastic pollution through direct and indirect health threats, and its impacts can be seen through illnesses, injuries or even deaths of people all over the world.¹⁷⁰ Some examples of direct effect include plastic clogging of waterways and consequentially increased risks of flooding, contamination of food and water with microplastics and so on, with the extent of negative effects from the

¹⁶⁷ Geneva Environment Network, 2025.

¹⁶⁸ Mirovni inštitut / Peace Institute, 2025.

¹⁶⁹ Ibid.

¹⁷⁰ Ibid.

latter not yet determined.¹⁷¹ Microplastics have infiltrated water and food supplies globally, with scientific studies indicating that its ingestion can cause inflammation and toxic effects, potentially increasing mortality from chronic diseases. Indirect health threats are posed especially to children and waste pickers, and include physical harm or even worse consequences, caused by sharp plastic debris. Plastic pollution poses an overall threat to communities, and if its production, usage and disposal is not regulated, the impact on the right to life will be even worse.¹⁷²

In a recent ruling, handed down by the European Court of Human Rights in January, the Court has confirmed for the first time that environmental pollution (which encompasses plastic pollution) can potentially threaten the right to life itself. Consequently, governments will be assessed more rigorously, with less room for discretion.¹⁷³ Crucially, the Court held that government responsibility persists even when the pollution originates from private actors, as the right to life triggers strong protection obligations that governments must engage with proactively, diligently and in a timely manner, because the impacts of its violation are irreversible harm and the loss of life itself. The ruling should have ramifications for existing and prospective cases all over Europe.¹⁷⁴

2.2.2 Right to Health

This human right – the right to the highest attainable standard of physical and mental health enshrined in several international legal instruments and is most profoundly recognised in Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). It includes freedoms and entitlements. Freedoms include the right to control one's health and body and to be free from interference, while entitlements include the right to access quality health services without any discrimination.¹⁷⁵ This means that countries must ensure legislation, health policies and programmes to respect and advance

¹⁷¹ European Environment Agency, 2025.

¹⁷² Ibid.

¹⁷³ European Court of Human Rights, n.d.; ClientEarth, 2025.

¹⁷⁴ Ibid.

¹⁷⁵ World Health Organization, 2023.

the realization of human rights. Proactive measures in compliance with human rights obligations help countries improve substantive equality and build resilience to shocks, including in the healthcare field.¹⁷⁶ Increasing evidence about consumption and inhalation on micro and nanoplastics concerns over exposure to hazardous chemicals used to give plastics specific properties (such as bisphenol A (BPA) and phthalates). Studies¹⁷⁷ have shown that every 6 months a person ingests around 125 grams of microplastics without even realizing it. For reference, that is enough to fill a bowl of cereal! Additionally, the additives mentioned above and many others have been linked to different types of cancer, respiratory diseases, and some other illnesses. Overall, the need for better waste management practices are becoming central to public health discussions. As plastics leaches into water supply and food chains, it disproportionately affects marginalized communities lacking proper sanitation and healthcare infrastructure.¹⁷⁸

2.2.3 Right to a Healthy Environment

While not explicitly stated in the UDHR, The United Nations General Assembly recognized in 2022 that everyone has the right to a clean, healthy and sustainable environment, following the same recognition by the Human Rights Council.¹⁷⁹ The Human Rights Council and other UN bodies interpret it to include protection from pollution, preservation of ecosystems, and access to environmental information and remedies. In a resolution, adopted by the UNHRC in 2025, it called to states to take into account human rights obligations and commitments relating to the enjoyment of a clean, healthy and sustainable environment in the implementation of and follow-up to the Sustainable Development Goals, specifically on life below water, and on clean water and sanitation, bearing in mind the integrated and multisectoral nature. The resolution, adopted by consensus, is the first time that the Human Rights Council explicitly recognizes the link between plastic pollution

¹⁷⁶ Ibid.

¹⁷⁷ Microplastic human dietary uptake from 1990 to 2018 grew by 10% annually.

¹⁷⁸ World Wildlife Fund for Nature, 2019.

¹⁷⁹ Geneva Environment Network, 2023.

and human rights, strongly reaffirming the human right to a clean, healthy, and sustainable environment.¹⁸⁰

Not only is this a catalyst for accelerated action to tackle the planetary crisis, it also places our attention on people and communities in vulnerable situations. It is increasingly recognized as essential for human dignity and well-being, besides the protection of animals and the whole ecosystem, as pollution is damaging biodiversity.⁷⁹ Making marine environments as an example, they are suffering from plastic debris that smothers coral reefs and endangers fish stocks. The current estimate of plastics in the ocean is between 75 and 200 million tonnes (80% of marine litter is plastic), and this number is only expected to go up. If this continues, by 2050 there could be more plastic by weight than fish in the oceans. All-in-all, this right encompasses both substantial (e.g., a safe climate, clean air, healthy ecosystems and biodiversity, and a non-toxic environment) and procedural elements (e.g., access to information, public participation, and access to justice). That is why The Plastics Treaty, in line with other multilateral environmental agreements, must recognize and operationalize the right to a healthy environment.¹⁸¹ Another example is Europe; while being one of the greenest continents in the world and having strong environmental policies and strict pollution controls, it still produces an enormous amount of plastics, with the number reaching almost 32 million tonnes a year. Less than 30% of that is recycled. To protect the environment, and additionally the right to a healthy environment, recycling rates must rise and plastic production in the future should be minimalised.¹⁸²

2.2.4 Right to an Adequate Standard of Living

This human right is directly mentioned in article 25 of UDHR, and it includes medical care, food, clothing, social services and the right to security in certain life events. It mentions mothers and children as recipients of special care and assistance for the protection of

¹⁸⁰ ClientEarth, 2025.

¹⁸¹ Center for International Environmental Law, 2024, pp. 1-3.

¹⁸² European Commission, n.d.

human rights, which is further explored in 2.2.5. Additionally, it is protected through Article 11 of the ICESCR and requires states to take appropriate measures to ensure the continuous improvement of living conditions. The scope of this right has been further developed in international instruments addressing specific aspects such as fisheries, small-scale livelihoods, and rural development.¹⁸³ This right can be explored through an example of tourism, as it is notably endangered in communities dependent on tourism or fishing. As plastic pollution causes fish stocks in the ocean to decrease rapidly and damages underwater ecosystems, it impacts people's ability to feed their families.¹⁸⁴ Additionally, it takes away the opportunity for people to earn a living with tourism. As one of important sources of income for many coastal communities, it is also in decline as beaches and coral reefs are covered with plastic debris. This drives away potential visitors and puts local economies at risk. However, as much as plastics harm tourism, it is by itself a big contributor to the global plastic pollution crisis.¹⁸⁵

This right has been increasingly recognised in several judgments of National courts that have increasingly begun to treat plastic pollution as a matter engaging state responsibility and private liability, ordering remedies and compensation in the wake of major environmental disasters. A prominent example is Sri Lanka, where its top court ordered the owners of a Singapore-flagged container ship that sank near Sri Lanka to pay 1 billion dollars in compensation to the island nation's government for causing the most severe marine environment catastrophe in the country's history.¹⁸⁶

2.2.5 Children's Rights

Plastic pollution directly affects many rights from the Convention on the Rights of the Child (CRC), as children are especially vulnerable to the impacts of plastic pollution . It harms children's rights to health from Article 24, adequate standard of living from Article 27, and

¹⁸³ United Nations, 2024f.

¹⁸⁴ UN Environment Programme, 2023a

¹⁸⁵ Ibid.

¹⁸⁶ Associated Press, 2025.

protection from harmful substances and environments. UNICEF calls the pollution a »silent and insidious health emergency«.¹⁸⁷ Types of hazards include toxic exposures from plastic waste; pollution from plastic production; impact of plastic waste on livelihoods and flooding; toxic chemicals in everyday plastic products and knowledge gaps on plastic chemicals and particles. Toxic plastic chemicals can impair brain development, cause behavioral problems, affect children's health and education and many more. Connecting the issue to the right to a healthy environment, degradation of the environment and health conditions directly violate children's rights as well.¹⁸⁸ Children are uniquely vulnerable, as toxic chemicals in plastics affect brain development, immune systems, microplastics and pollutants can impair prenatal development, children are disproportionately exposed in informal recycling, dumpsites and communities near production facilities. As the world addresses the plastic pollution crisis, ambitious regulation, international cooperation, feasible alternatives and rigorous clean-up will be needed to protect children from hazardous plastic chemicals, particles and waste.¹⁸⁹ UNICEF and has been warning that plastics are a major threat to children's health and future prospects and have called for prevention, stronger regulation and inclusion of child-health safeguards in plastics policy.¹⁹⁰

2.3 INITIATIVES BY UN BODIES

2.3.1 Case Studies

•UNEP Clean Seas Campaign (2017)

This campaign is a global call to action to reduce plastic waste in oceans, engaging over 69 countries and covering more than 76% of the world's coastlines.¹⁹¹ Picture a coastal town where plastic bags once littered the shore, now cleaner due to local bans inspired by Clean

¹⁸⁷ UNICEF, 2024, p. 3.

¹⁸⁸ UNICEF, 2025.

¹⁸⁹ UNICEF, n.d.

¹⁹⁰ Ibid.

¹⁹¹ United Nations Environment Programme, n.d.a

Seas.¹⁹² For example, Kenya’s 2017 plastic bag ban, supported by the campaign, achieved an 80% compliance rate, resulting in visibly cleaner beaches and rivers, with fewer plastic bags found in wildlife stomachs—such as a notable decline in bags ingested by cows and elephants—and protecting fishermen’s livelihoods and tourists’ enjoyment.¹⁹³ The campaign promotes the right to a healthy environment by reducing ocean plastic, with individual pledges exceeding one million actions to date.¹⁹⁴

•UNDP Plastic Waste Recovery (Philippines)

The UN Development Programme’s program in the Philippines turns plastic waste into opportunity by working with local communities, including waste pickers.¹⁹⁵ Imagine a neighbourhood where waste pickers are trained and equipped to safely handle plastics, earning better wages while reducing pollution. In a country generating 2.7 million metric tons of plastic waste annually—with up to 20% leaking into the ocean and only 28% recycled—the program has contributed to efforts recovering up to USD 890 million in recyclable plastic value lost to the economy each year¹⁹⁶, while integrating informal waste pickers into formal systems to enhance livelihoods for thousands.¹⁹⁷ This initiative supports the right to decent work and a clean environment, showing how local action can have global impact.¹⁹⁸

•UNEP Global Partnership on Marine Litter (2012)

This partnership acts as a global network, connecting governments, NGOs, and businesses to share solutions for ocean plastic pollution. Think of it as a brainstorming hub where experts swap strategies, like designing better recycling systems or cleaning up polluted

¹⁹² Duke University Nicholas Institute for Environmental Policy Solutions, n.d.

¹⁹³ United Nations Environment Programme, n.d.b.

¹⁹⁴ Clean Seas, n.d.

¹⁹⁵ World Bank, 2023.

¹⁹⁶ United Nations Development Programme, n.d. a.

¹⁹⁷ United Nations Development Programme, n.d. b.

¹⁹⁸ United Nations Development Programme, n.d. c.

beaches.¹⁹⁹ It has inspired regional efforts, like Caribbean cleanup programs, where initiatives such as the Ocean Conservancy's International Coastal Cleanup removed 6 million pounds (2.7 million kg) of debris in one day across 33,000 miles of shoreline in 2007,²⁰⁰ with plastics comprising 85% of marine litter in the region—up to 80% from land-based sources—and ongoing pilots in countries like Barbados and St. Kitts and Nevis preventing further leakage while protecting marine life and coastal communities' rights.²⁰¹

2.3.2 Recycling and Policy

•UNEA Resolution 5/14 (2022)

This resolution is a landmark step, mandating a legally binding Global Plastics Treaty by 2024 to address the full plastic lifecycle—from production to disposal.²⁰² Imagine countries agreeing on rules to limit plastic production, improve recycling, and keep waste out of rivers and oceans²⁰³. Adopted by 175 member states with over 3,400 in-person and 1,500 online participants, the resolution spurred negotiations that, by 2024, projected global plastic waste could reach 1.7 billion metric tons by 2060 if unchecked, while aiming to cut the 19-23 million tonnes leaking into aquatic ecosystems annually.²⁰⁴ It emphasizes transparency, ensuring companies and governments are open about their plastic use, protecting the right to a clean environment.²⁰⁵

•UN Special Rapporteur (2021)

The UN Special Rapporteur on human rights and the environment has advocated for transparency in plastic production and disposal.²⁰⁶ They have pushed for a global fund to help poorer countries manage waste, recognizing that these nations face the worst

¹⁹⁹ Philstar.com, 2023.

²⁰⁰ United Nations Environment Programme, n.d. c.

²⁰¹ United Nations Environment Programme, 2021 a.

²⁰² United Nations Environment Programme, 2022 b.

²⁰³ World Wildlife Fund, n.d.

²⁰⁴ United Nations Environment Programme, n.d. d.

²⁰⁵ United Nations Environment Programme, n.d. e.

²⁰⁶ Orellana, 2021.

impacts.²⁰⁷ The 2021 report highlighted how plastic pollution—exacerbated by the COVID-19 pandemic—infringes on rights like health and a clean environment, disproportionately affecting marginalized groups, with microplastics detected in human blood, lungs, and breast milk, and calling for a human rights-based treaty to address the full lifecycle, where 79% of plastic waste accumulates in landfills or nature.²⁰⁸ This work emphasizes fairness, ensuring all communities have a voice in solving the crisis.²⁰⁹

•Global Plastics Treaty (2024–2025)

Negotiations for the Global Plastics Treaty, set to conclude in Geneva in August 2025, aim for a binding agreement to regulate plastic production, ban harmful chemicals, and support cleanup efforts. Despite six INC sessions involving over 2,600 participants from 183 countries at the final 2025 Geneva meeting, talks adjourned without consensus on the text—amid projections of 9-14 million tons of plastic entering oceans yearly—but with a commitment to resume, emphasizing reductions in the 500 million tonnes of plastic consumed globally in 2024 alone.²¹⁰ These resolutions can shape how it protects human rights by ensuring no community is left to bear the burden alone.

2.4 COUNTRY POSITIONS IN UNHCR ON PLASTIC POLLUTION METRICS

Countries' stances in the UNHRC reflect a complex interplay of economic priorities, development levels, and environmental commitments. These positions shape the global dialogue on a legally binding treaty to address plastic pollution, as initiated by UNEA Resolution 5/14 in 2022, which calls for an international instrument by 2024 (United Nations Environment Assembly [UNEA], 2022).²¹¹ The following sections detail the positions of key stakeholder groups, their policies, and their alignment with global efforts.

²⁰⁷ United Nations Environment Programme, 2021b.

²⁰⁸ United Nations Environment Programme, n.d. f.

²⁰⁹ United Nations Development Programme, n.d. d.

²¹⁰ World Economic Forum, 2025; United Nations Environment Programme, 2025; United Nations Environment Programme, n.d.g; World Wildlife Fund, n.d.; United Nations Environment Programme, 2022c.

²¹¹ United Nations Environment Assembly, 2022.

2.4.1 High Ambition Coalition (HAC)

Members: The High Ambition Coalition includes the European Union (27 member states), Canada, Japan, Norway, Kenya, Panama, New Zealand, Switzerland, the United Kingdom, and several Small Island Developing States (SIDS) such as the Maldives and Seychelles (UNEA, 2022). These nations advocate for a comprehensive, legally binding global treaty to address the full lifecycle of plastics, from production to disposal.

Plastic Pollution Laws: HAC members push for a treaty that regulates plastic production, use, and disposal, emphasizing lifecycle management. The EU's Single-Use Plastics Directive (2019) bans ten single-use items, including cutlery, plates, and straws, achieving a 50% reduction in targeted plastics by 2022 (European Commission, 2020).²¹² Japan's Plastic Resource Circulation Act (2022) mandates businesses to reduce plastic use and promotes circular economy principles (Ministry of the Environment, Japan, 2022).²¹³ Kenya's 2017 ban on single-use plastic bags has reduced visible plastic litter by 60%, setting a precedent for African nations (UNEP, 2018).²¹⁴

Recycling Laws: HAC countries emphasize Extended Producer Responsibility (EPR) schemes, requiring producers to manage plastic waste. The EU targets 30% recyclability of plastics by 2028, with Germany achieving 60% recycling rates through deposit-refund systems (European Environment Agency, 2023).²¹⁵ Canada's EPR framework, implemented in provinces like British Columbia, mandates producers to fund recycling programs, achieving a 45% recycling rate for plastics (Environment and Climate Change Canada, 2023).²¹⁶ Norway's advanced sorting technologies enable a 50% plastic recycling rate, supported by government subsidies (Norwegian Environment Agency, 2023).²¹⁷

²¹² European Commission, 2020.

²¹³ Ministry of the Environment, Japan, 2023.

²¹⁴ United Nations Environment Programme, 2018.

²¹⁵ European Environment Agency, 2023.

²¹⁶ Environment and Climate Change Canada, 2023.

²¹⁷ Norwegian Environment Agency, 2023.

Reduction Laws: HAC members advocate for production caps to limit virgin plastic output. The EU aims for a 15% reduction in plastic packaging by 2040, with interim targets of 5% by 2025 and 10% by 2030 (European Commission, 2023).²¹⁸ Japan promotes lightweight packaging, reducing plastic use in retail by 25% since 2019 (Ministry of Economy, Trade and Industry, Japan, 2023).²¹⁹ Panama has introduced taxes on single-use plastics, reducing consumption by 20% since 2020 (Panama Ministry of Environment, 2022).²²⁰

Compliance: HAC countries support robust monitoring and funding mechanisms. The EU imposes fines of up to €500,000 for non-compliance with plastic regulations, alongside a €0.80/kg levy on non-recycled plastic waste (European Commission, 2021).²²¹ Norway and Canada fund international cooperation to support developing nations' compliance, channeling resources through the UNEP (UNEP, 2023).²²² Kenya advocates for a global compliance framework to ensure accountability (Government of Kenya, 2023).²²³

2.4.2 Like-Minded Countries (Petrostates)

Members: This group includes Saudi Arabia, Russia, China, India, Iran, and other petrochemical-dependent nations (UNEA, 2022). These countries prioritize economic interests tied to plastic production and resist restrictive measures that could impact their industries.

Plastic Pollution Laws: Petrostates focus on waste management rather than production limits to protect their petrochemical sectors, which contribute significantly to GDP (e.g., 30% for Saudi Arabia) (OPEC, 2023).²²⁴ China's 2020 plastic waste import ban shifted focus to domestic waste management, but enforcement remains inconsistent (Ministry of Ecology and Environment, China, 2022).²²⁵ India's Plastic Waste Management Rules (2016,

²¹⁸ European Commission, 2023.

²¹⁹ Ministry of Economy, Trade and Industry, Japan, 2023.

²²⁰ Panama Ministry of Environment, 2022.

²²¹ European Commission, 2021.

²²² United Nations Environment Programme, 2023b.

²²³ Government of Kenya, 2023.

²²⁴ Organization of the Petroleum Exporting Countries [OPEC], 2023.

²²⁵ Ministry of Ecology and Environment, China, 2022.

amended 2022) ban certain single-use plastics but face challenges due to informal waste sectors (Central Pollution Control Board, India, 2023).²²⁶ Russia opposes binding treaties, emphasizing national sovereignty in waste management policies (Russian Ministry of Natural Resources, 2023).²²⁷

Recycling Laws: These countries favor voluntary recycling initiatives. China's recycling rate is 19.5%, with urban areas achieving higher rates (30%) than rural regions (10%) due to uneven infrastructure (China National Bureau of Statistics, 2023).²²⁸ India's EPR framework exists but lacks enforcement, with only 12% of plastic waste recycled (Central Pollution Control Board, India, 2023). Saudi Arabia's Vision 2030 includes voluntary recycling targets, but progress is slow, with a 10% recycling rate (Saudi Ministry of Environment, 2023).²²⁹

Reduction Laws: Petrostates resist production caps. India's 2022 single-use plastic ban targets items like straws and cutlery but struggles with non-compliance, with 40% of banned items still in circulation (Ministry of Environment, Forest and Climate Change, India, 2023).²³⁰ Russia and Saudi Arabia argue that reduction laws harm economic growth, advocating for waste-to-energy solutions instead (Russian Ministry of Energy, 2023).²³¹ China's gradual phase-out of single-use plastics in major cities has reduced consumption by 15% but lacks nationwide enforcement (Ministry of Ecology and Environment, China, 2023).²³²

Compliance: Petrostates favor flexible, non-binding commitments to preserve policy autonomy. Saudi Arabia and Russia oppose mandatory reporting, citing high compliance costs (UNEA, 2023).²³³ China supports technology transfers to developing nations but resists

²²⁶ Central Pollution Control Board, India, 2023.

²²⁷ Russian Ministry of Natural Resources, 2023.

²²⁸ China National Bureau of Statistics, 2023.

²²⁹ Saudi Ministry of Environment, 2023.

²³⁰ Ministry of Environment, Forest and Climate Change, India, 2023.

²³¹ Russian Ministry of Energy, 2023.

²³² Ministry of Ecology and Environment, China, 2023.

²³³ United Nations Environment Assembly, 2023.

external oversight (Ministry of Foreign Affairs, China, 2023).²³⁴ India calls for financial assistance to meet treaty obligations (Government of India, 2023).²³⁵

2.4.3 Developing Countries and Small Island Developing States (SIDS)

Members: This group includes the Philippines, Indonesia, Dominica, Guatemala, Vanuatu, and other vulnerable nations (UNEA, 2022). These countries support a binding treaty but emphasize the need for financial and technical assistance due to limited resources.

Plastic Pollution Laws: Developing nations and SIDS advocate for a treaty addressing transboundary plastic pollution, as they bear disproportionate impacts. The European Bank for Reconstruction and Development (EBRD) funds waste management projects in SIDS, such as Dominica's landfill modernization, reducing leakage by 25% (EBRD, 2023).²³⁶ The Philippines' Ecological Solid Waste Management Act (2000) promotes local waste management but struggles with funding (Department of Environment and Natural Resources, Philippines, 2023).²³⁷ Indonesia's National Plastic Action Plan aims to reduce marine plastic by 70% by 2025, supported by international grants (Ministry of Environment and Forestry, Indonesia, 2023).²³⁸

Recycling Laws: These countries seek infrastructure aid to boost recycling. The Philippines increased its recycling rate by 15% (to 28%) with UNDP support for community-based programs (UNDP, 2023).²³⁹ Indonesia's recycling rate is 9%, limited by informal sector dominance (World Bank, 2023).²⁴⁰ Guatemala's recycling initiatives, supported by NGOs, achieve a 12% rate but require scaling (Guatemala Ministry of Environment, 2023).²⁴¹

²³⁴ Ministry of Foreign Affairs, China, 2023.

²³⁵ Government of India, 2023.

²³⁶ European Bank for Reconstruction and Development, 2023.

²³⁷ Department of Environment and Natural Resources, Philippines, 2023.

²³⁸ Ministry of Environment and Forestry, Indonesia, 2023.

²³⁹ United Nations Development Programme, 2023e.

²⁴⁰ World Bank, 2023.

²⁴¹ Guatemala Ministry of Environment, 2023.

Reduction Laws: Developing nations favor bans to curb plastic use. Guatemala’s 2019 single-use plastic ban reduced consumption by 30%, though enforcement is inconsistent (Guatemala Ministry of Environment, 2023). The Philippines banned single-use plastics in government offices, reducing use by 20% (Department of Environment and Natural Resources, Philippines, 2023). Dominica’s 2018 ban on plastic bags and straws cut consumption by 35% (Government of Dominica, 2023).²⁴²

Compliance: These nations demand funding and capacity-building for compliance. The EBRD and UNEP provide technical assistance to SIDS, but funding gaps remain (UNEP, 2023). Indonesia and the Philippines advocate for a global fund to support compliance costs (UNEA, 2023).

2.4.4 United States

Plastic Pollution Laws: The U.S. lacks a federal plastic pollution policy, favoring voluntary measures. The EPA’s National Recycling Strategy (2021) promotes market-based solutions but has no binding targets (U.S. Environmental Protection Agency, 2023).²⁴³ State-level policies, like California’s Plastic Pollution Prevention and Packaging Producer Responsibility Act (2022), mandate 25% reductions in single-use plastics by 2030 (California Department of Resources Recycling and Recovery, 2023).²⁴⁴

Recycling Laws: State-level EPR programs drive U.S. recycling efforts. California targets 30% plastic recyclability by 2028, supported by a \$270 million fund (California Department of Resources Recycling and Recovery, 2023).²⁴⁵ The national recycling rate is 32%, with plastics at 9% due to limited infrastructure (U.S. EPA, 2023). Oregon and Maine have also adopted EPR laws, increasing local recycling rates by 10% (Oregon Department of Environmental Quality, 2023).²⁴⁶

²⁴² Government of Dominica, 2023.

²⁴³ U.S. Environmental Protection Agency, 2023.

²⁴⁴ California Department of Resources Recycling and Recovery, 2023.

²⁴⁵ Oregon Department of Environmental Quality, 2023.

²⁴⁶ Oregon Department of Environmental Quality, 2023.

Reduction Laws: State bans lead reduction efforts. California’s 2022 law restricts single-use plastics in retail, reducing consumption by 15% (California Department of Resources Recycling and Recovery, 2023). New York’s plastic bag ban (2020) reduced bag use by 50% (New York Department of Environmental Conservation, 2023).²⁴⁷ The federal government resists binding reduction commitments (U.S. State Department, 2023).

Compliance: The U.S. opposes binding treaty obligations, relying on state enforcement. California imposes fines of up to \$50,000 for EPR violations (California Department of Resources Recycling and Recovery, 2023). The U.S. supports technical assistance to developing nations but resists mandatory compliance mechanisms (U.S. State Department, 2023).²⁴⁸

2.4.5 Other Positions

African Nations: African countries, led by Kenya and Rwanda, pioneer plastic bans. Kenya’s 2017 ban reduced plastic bag use by 80%, though enforcement requires funding (UNEP, 2023).²⁴⁹ Rwanda’s 2008 ban eliminated single-use plastics, reducing litter by 65% (Rwanda Environment Management Authority, 2023).²⁵⁰ The EBRD supports waste infrastructure in North Africa, improving collection by 20% (EBRD, 2023).

South Korea: Aligns with HAC, implementing strict bans on single-use plastics in cafes and restaurants since 2019, reducing consumption by 40% (Korea Ministry of Environment, 2023).²⁵¹ Its EPR system achieves a 70% recycling rate for PET bottles (Korea Environment Corporation, 2023).²⁵²

Sweden/Switzerland: Leaders in circular economy models, Sweden recycles 50% of plastics through advanced sorting and EPR (Swedish Environmental Protection Agency,

²⁴⁷ New York Department of Environmental Conservation, 2023.

²⁴⁸ U.S. State Department, 2023.

²⁴⁹ United Nations Environment Programme, 2023c.

²⁵⁰ Rwanda Environment Management Authority, 2023.

²⁵¹ Korea Ministry of Environment, 2023.

²⁵² Korea Environment Corporation, 2023.

2023).²⁵³ Switzerland's 80% PET bottle recycling rate is driven by deposit systems (Swiss Federal Office for the Environment, 2023).²⁵⁴

Challenges: Key divergences include production limits, chemical bans, and financing. The EU proposes a global fund to support developing nations, estimated at \$10 billion annually (European Commission, 2023). Petrostates resist chemical bans due to economic impacts, while SIDS demand compensation for pollution impacts (UNEA, 2023).²⁵⁵

2.5 CONTRAST OF PLASTIC POLLUTION LAWS ACROSS STAKEHOLDERS

This section contrasts plastic pollution laws across stakeholder groups, highlighting differences in capacity, priorities, and enforcement.

2.5.1 Developed vs. Developing Nations

Plastic Pollution Laws:

- **Developed Nations:** The EU's Single-Use Plastics Directive targets 90% bottle collection by 2029, with deposit-refund systems in 15 member states (European Commission, 2023).²⁵⁶ Japan's waste segregation laws reduce litter by 70%, supported by public awareness campaigns (Ministry of the Environment, Japan, 2023).²⁵⁷ Canada's single-use plastic ban, effective 2023, targets six items, reducing consumption by 20% (Environment and Climate Change Canada, 2023).²⁵⁸
- **Developing Nations:** Kenya's 2017 ban reduced plastic litter by 60%, but enforcement is hampered by limited resources (UNEP, 2023) [57]. Indonesia's marine plastic reduction plan faces challenges from illegal dumping, with 30% of

²⁵³ Swedish Environmental Protection Agency, 2023.

²⁵⁴ Swiss Federal Office for the Environment, 2023.

²⁵⁵ United Nations Environment Assembly, 2023.

²⁵⁶ European Commission, 2023.

²⁵⁷ Ministry of the Environment, Japan, 2023.

²⁵⁸ Environment and Climate Change Canada, 2023.

waste mismanaged (World Bank, 2023).²⁵⁹ Guatemala's ban reduced plastic use but lacks nationwide enforcement (Guatemala Ministry of Environment, 2023).²⁶⁰

Recycling Laws:

- **Developed Nations:** The EU averages 26.9% plastic recycling, with Germany at 60% due to EPR and advanced facilities (European Environment Agency, 2023).²⁶¹ Japan achieves 80% PET bottle recycling through vending machine returns (Ministry of Economy, Trade and Industry, Japan, 2023).²⁶² California's EPR program, funded by a \$1 billion industry contribution, targets 30% by 2028 (California Department of Resources Recycling and Recovery, 2023).²⁶³
- **Developing Nations:** Mozambique's 1% recycling rate reflects infrastructure gaps, with 80% of waste openly dumped (World Bank, 2023).²⁶⁴ The Philippines' 28% recycling rate relies on UNDP-funded community programs (UNDP, 2023).²⁶⁵ India's 12% recycling rate is constrained by informal sector inefficiencies (Central Pollution Control Board, India, 2023).²⁶⁶

Plastic Reduction Laws:

- **Developed Nations:** The EU's 15% packaging reduction target by 2040 includes taxes on non-recyclable plastics (European Commission, 2023). Canada's ban on six single-use plastics is projected to eliminate 1.3 million tons of waste by 2030 (Environment and Climate Change Canada, 2023). Japan's lightweight packaging

²⁵⁹ World Bank, 2023.

²⁶⁰ Guatemala Ministry of Environment, 2023.

²⁶¹ European Environment Agency, 2023.

²⁶² Ministry of Economy, Trade and Industry, Japan, 2023.

²⁶³ California Department of Resources Recycling and Recovery, 2023.

²⁶⁴ World Bank, 2023.

²⁶⁵ United Nations Development Programme, 2023f.

²⁶⁶ Central Pollution Control Board, India, 2023.

reduces plastic use by 25% (Ministry of Economy, Trade and Industry, Japan, 2023).²⁶⁷

- **Developing Nations:** India's 2022 ban targets single-use plastics but struggles with 40% non-compliance (Ministry of Environment, Forest and Climate Change, India, 2023) . Guatemala's 2019 ban reduced plastic use by 30%, but rural areas lag (Guatemala Ministry of Environment, 2023).²⁶⁸ Dominica's ban cut consumption by 35% (Government of Dominica, 2023).²⁶⁹

Pollution Compliance:

- **Developed Nations:** The EU enforces compliance through fines and levies, with €1.2 billion collected in 2022 (European Commission, 2023). California's EPR fines reach \$50,000 per violation (California Department of Resources Recycling and Recovery, 2023). Japan's compliance is driven by municipal oversight (Ministry of the Environment, Japan, 2023).
- **Developing Nations:** Weak enforcement systems lead to waste leakage, with 60% of Indonesia's plastic waste mismanaged (World Bank, 2023). The Philippines and SIDS rely on international aid for compliance (UNEP, 2023). Funding gaps hinder monitoring in Africa (EBRD, 2023).

2.5.2 Consumer vs. Producer Countries

Plastic Pollution Laws:

- **Consumer Countries:** The U.S. and Australia align with HAC, focusing on consumption regulation. Australia's National Plastics Plan (2021) bans single-use plastics, reducing consumption by 15% (Australian Department of Climate Change,

²⁶⁷ Environment and Climate Change Canada, 2023) (European Commission, 2023b) (Ministry of Economy, Trade and Industry, Japan, 2023.

²⁶⁸ Guatemala Ministry of Environment, 2023.

²⁶⁹ Government of Dominica, 2023.

Energy, the Environment and Water, 2023).²⁷⁰ The U.S. relies on state policies, like California's 2022 law (California Department of Resources Recycling and Recovery, 2023).²⁷¹

- **Producer Countries:** China and Saudi Arabia prioritize petrochemical interests, opposing production limits. China's 2020 import ban reduced foreign waste but increased domestic plastic production (Ministry of Ecology and Environment, China, 2023).²⁷² Saudi Arabia's petrochemical sector, contributing 30% to GDP, drives resistance to caps (OPEC, 2023).

Recycling Laws:

- **Consumer Countries:** The EU's EPR achieves 26.9% plastic recycling, with Germany at 60% (European Environment Agency, 2023). Japan's 80% PET bottle recycling rate is driven by consumer participation (Ministry of Economy, Trade and Industry, Japan, 2023). Australia recycles 13% of plastics, supported by EPR (Australian Department of Climate Change, Energy, the Environment and Water, 2023).
- **Producer Countries:** China's 19.5% recycling rate varies regionally (China National Bureau of Statistics, 2023). India's EPR is weak, with 12% recycling (Central Pollution Control Board, India, 2023). Saudi Arabia's 10% rate reflects limited infrastructure (Saudi Ministry of Environment, 2023).²⁷³

Plastic Reduction Laws:

- **Consumer Countries:** Canada's 2023 ban eliminates 1.3 million tons of plastic waste by 2030 (Environment and Climate Change Canada, 2023). The EU's packaging reduction targets cut consumption proactively (European Commission, 2023).

²⁷⁰ Australian Department of Climate Change, Energy, the Environment and Water, 2023.

²⁷¹ California Department of Resources Recycling and Recovery, 2023.

²⁷² Ministry of Ecology and Environment, China, 2023.

²⁷³ Central Pollution Control Board, India, 2023; China National Bureau of Statistics, 2023.

Australia's ban reduces single-use plastics by 15% (Australian Department of Climate Change, Energy, the Environment and Water, 2023).

- **Producer Countries:** Saudi Arabia and Russia resist caps to protect economic interests (UNEA, 2023). China's gradual phase-out reduces urban plastic use by 15% but lacks nationwide enforcement (Ministry of Ecology and Environment, China, 2023).²⁷⁴

Pollution Compliance:

- **Consumer Countries:** The EU and Japan enforce strict compliance through fines and monitoring (European Commission, 2023; Ministry of the Environment, Japan, 2023). Australia's compliance relies on state-level enforcement (Australian Department of Climate Change, Energy, the Environment and Water, 2023).
- **Producer Countries:** China and Saudi Arabia favor flexible commitments, resisting binding oversight (UNEA, 2023). India seeks funding for compliance (Government of India, 2023).

2.5.3 Net Exporters vs. Net Importers

Plastic Pollution Laws:

- **Net Exporters:** Germany and the U.S. export plastic waste, supporting voluntary measures under the Basel Convention, which regulates hazardous waste trade (Basel Convention Secretariat, 2023).²⁷⁵ Germany exports 20% of its plastic waste, while the U.S. exports 10% (European Environment Agency, 2023; U.S. EPA, 2023).
- **Net Importers:** Vietnam and Turkey ban plastic waste imports but face illegal dumping, with 15% of Vietnam's waste linked to illegal trade (World Bank, 2023)

²⁷⁴ Ministry of Ecology and Environment, China, 2023; United Nations Environment Assembly, 2023.

²⁷⁵ Basel Convention Secretariat, 2023.

[75]. The Philippines struggles with imported waste, exacerbating marine pollution (UNEP, 2023).

Recycling Laws:

- **Net Exporters:** Germany's 60% recycling rate is supported by EPR and exports of mixed plastics (European Environment Agency, 2023). The U.S. recycles 9% of plastics, relying on exports to Asia (U.S. EPA, 2023).
- **Net Importers:** Vietnam's 7% recycling rate is limited by low capacity (World Bank, 2023). The Philippines' 28% rate depends on aid-driven programs (UNDP, 2023).

Plastic Reduction Laws:

- **Net Exporters:** The EU's reduction targets cut plastic use, with Germany reducing packaging by 10% (European Commission, 2023). The U.S. relies on state bans, like California's (California Department of Resources Recycling and Recovery, 2023).
- **Net Importers:** Guatemala and Dominica support bans, reducing consumption by 30–35% (Guatemala Ministry of Environment, 2023; Government of Dominica, 2023).

Pollution Compliance:

- **Net Exporters:** The EU enforces Basel Convention compliance, with €500,000 fines for violations (European Commission, 2023). The U.S. is inconsistent, with state-level enforcement varying (U.S. EPA, 2023).
- **Net Importers:** Importers face GDP losses from waste mismanagement, with SIDS losing 1–2% of GDP annually (UNEP, 2023). Vietnam and the Philippines seek funding for compliance (UNEA, 2023).

UN and UNHRC Resolutions

The UNHRC and UNEA have advanced the global plastic pollution agenda through key resolutions. UNEA Resolution 5/14 (2022) mandates negotiations for a legally binding treaty

by 2024, addressing the full plastic lifecycle (UNEA, 2022).²⁷⁶ The UNHRC's Resolution 48/13 (2021) recognizes the human right to a clean environment, linking plastic pollution to health and environmental justice (UNHRC, 2021).²⁷⁷ This resolution emphasizes the disproportionate impact on vulnerable populations, such as SIDS and developing nations, and calls for international cooperation.

The third session of the Intergovernmental Negotiating Committee (INC-3) in 2023 highlighted tensions between HAC's push for production caps and petrostates' resistance (UNEA, 2023).²⁷⁸ The EU's proposed global fund aims to bridge financing gaps, supporting compliance in developing nations (European Commission, 2023). The UNHRC's 2023 report on plastic pollution underscores the need for chemical transparency and human rights-based approaches, aligning with HAC and SIDS priorities (UNHRC, 2023).²⁷⁹

2.6 REFERENCE RESOLUTIONS ADOPTED BY THE UNHRC AND OTHER UN BODIES

The UN and its bodies work on resolutions because they are the main way the organization formally expresses decisions, positions, and agreed actions on global issues. Resolutions allow member states to negotiate and agree on a shared course of action, even when their national interests differ. Some resolutions are binding, like those of the UN Security Council under the UN Charter, while others such as those from the General Assembly, Human Rights Council, or UNEA are non-binding but carry significant political, moral, and diplomatic weight. They can establish mandates for new negotiations, create new programs or institutions, set global goals, or call for specific changes in behavior.

2.6.1 A/HRC/56/L.23

Introduction

A/HRC/56/L.23 is a draft resolution adopted during the **56th session of the United Nations**

²⁷⁶ United Nations Environment Assembly, 2022.

²⁷⁷ United Nations Human Rights Council, 2021f.

²⁷⁸ United Nations Environment Assembly, 2023b.

²⁷⁹ United Nations Human Rights Council, 2023.

Human Rights Council (HRC) on 12 July 2024²⁸⁰. Sponsored by Panama and co-sponsored by countries including Costa Rica, Ecuador, France, Israel, Luxembourg, Peru, and Portugal, the resolution highlights the intersection of **plastic pollution and human rights**. Its adoption reflects growing international recognition that environmental issues, particularly pollution, are not just ecological concerns but also matters of fundamental human rights.

Content of the Resolution

The resolution requests the HRC's **Advisory Committee** to conduct a **comprehensive study on the implications of plastic pollution for the full enjoyment of human rights**, explicitly taking a **full life-cycle approach** to plastics, from production through consumption and disposal²⁸¹. This approach emphasizes that the adverse effects of plastics, such as health risks from chemical exposure, marine pollution, and the disproportionate impact on vulnerable communities, cannot be addressed solely by managing waste after it has been created. The study is to consider both **environmental and social dimensions** of plastic pollution and provide recommendations to the HRC at its **66th session** for possible action²⁸².

Significance of the Resolution

The significance of A/HRC/56/L.23 lies in its **linkage of environmental protection and human rights**. By mandating a study that explicitly considers how plastic pollution affects the enjoyment of rights such as the right to health, a clean environment, and an adequate standard of living, the resolution strengthens the legal and moral argument for global action against plastic pollution²⁸³.

²⁸⁰ UN (2024a). *A/HRC/56/L.23: Draft Resolution on the Human Rights Implications of Plastic Pollution*. United Nations Human Rights Council.

²⁸¹ UN (2024a). *A/HRC/56/L.23: Draft Resolution on the Human Rights Implications of Plastic Pollution*. United Nations Human Rights Council.

²⁸² UN (2024b). *Summary of the 56th Session of the Human Rights Council*. Geneva: United Nations.

²⁸³ UN (2024a). *A/HRC/56/L.23: Draft Resolution on the Human Rights Implications of Plastic Pollution*.

Moreover, the resolution sets a precedent for a **rights-based approach to environmental treaties**, aligning with international norms that recognize environmental degradation as a barrier to the fulfillment of human rights. It complements ongoing negotiations under the United Nations Environment Programme (UNEP) to develop a legally binding international treaty on plastic pollution, particularly by highlighting the **human impact dimension** often overlooked in purely environmental or industrial negotiations.²⁸⁴

AHRC/56/L.23 underscores the **role of scientific and policy assessments** in shaping international action. By requesting the Advisory Committee to conduct a thorough study, the resolution ensures that future HRC deliberations and potential recommendations on plastics will be **evidence-based and inclusive**, reflecting both environmental realities and human rights obligations.

2.6.2 UNHRC Resolution 58/16

A/HRC/RES/58/16 is a resolution adopted at the **58th session of the United Nations Human Rights Council (HRC)** on 4 April 2025²⁸⁵. The resolution reaffirms the importance of a healthy environment as a fundamental condition for the enjoyment of human rights and calls on Member States to strengthen cooperation to conserve, protect, and restore ecosystems and biodiversity.

Main points of the resolution:

1. **Emphasis on a healthy environment as a human right:** The Council reaffirms that access to a healthy environment is essential for the enjoyment of human rights, including rights to health, food, water, housing, and dignity.
2. **Call for enhanced cooperation:** Member States are urged to strengthen collaboration with each other and with the United Nations, the UN Environment

²⁸⁴ UN (2024a). *A/HRC/56/L.23: Draft Resolution on the Human Rights Implications of Plastic Pollution*.

²⁸⁵ UNHRC (2025). *A/HRC/RES/58/16*. United Nations Human Rights Council.

Programme (UNEP), the UN Development Programme (UNDP), and other relevant stakeholders in conserving, protecting, and restoring ecosystems and biodiversity.²⁸⁶

3. **Support for the work of the Special Rapporteur:** The Council welcomes the work of the Special Rapporteur on human rights and the environment, which has contributed to understanding the links between environmental protection and human rights and provided recommendations for improvement²⁸⁷

2.6.3 UNEP Resolution 5/14

In March 2022 a historic resolution was adopted to develop an international legally binding instrument on plastic pollution, including in the marine environment.

The UNEA resolution (5/14) requested the Executive Director of the UN Environment Programme (UNEP) to convene an Intergovernmental Negotiating Committee (INC) to develop "the instrument," which is to be based on a comprehensive approach that addresses the full life cycle of plastic, including its production, design, and disposal.²⁸⁸

In the resolution it is clearly stated that the INC is to be put in place;

>> Decides that the intergovernmental negotiating committee is to develop an international legally binding instrument on plastic pollution, Including in the marine environment, henceforth referred to as "the instrument", which could include both binding and voluntary approaches, based on a comprehensive approach that addresses the full life cycle of plastic, taking into account, among other things, the principles of the Rio Declaration on Environment and Development <<

This is followed by an immediate listing of the different provisions the INC is to take into account when drafting the legally binding treaty.

UNEP Resolution 5/14 matters because it's the decision that launched negotiations for the world's first legally binding treaty to end plastic pollution, tackling the entire life cycle of plastics from production to waste. It put the issue on the same level as other major

²⁸⁶ UNHRC (2025). *A/HRC/RES/58/16*. United Nations Human Rights Council.

²⁸⁷ UNHRC (2025). *A/HRC/RES/58/16*. United Nations Human Rights Council.

²⁸⁸ UNEP (2022). Intergovernmental Negotiating Committee on Plastic Pollution.

environmental treaties like those on climate and biodiversity. By doing so, it created the political space for countries to work toward shared global rules rather than leaving plastics entirely to national laws.²⁸⁹

2.7 INTERGOVERNMENTAL NEGOTIATING COMMITTEE (INC)

2.7.1 Introduction into the INC

The Intergovernmental Negotiating Committee (INC) was established by UN Environment Assembly resolution 5/14 in March 2022 to negotiate an international legally binding instrument (ILBI) to address plastic pollution in the marine and landbound environment, across the full life cycle of plastics. Its aim is to develop a treaty which addresses obligations on production, design, harmful chemicals, waste management and disposal, compliance with the programme and means of implementation. The INC convenes in multiple sessions (five to date), with the most recent session in August 2025 in Geneva. However the text of the treaty has not been agreed upon yet. It operates through formal plenary sessions, working groups and aims to refine and reconcile different country positions during discussions. Its goal remains to complete and agree upon the treaty text that will then be adopted at a future diplomatic conference of plenipotentiaries (a plenipotentiary literally has full powers to represent their government).²⁹⁰

The treaty which is to be signed does not need to be **accepted unanimously** and it is **binding only on those who ratify**.

Summary of its work:

Since the start of its work in 2022 the INC has:

1. Formally launched as the mandated body for crafting a global plastics treaty.
2. Held five substantive sessions (plus one ongoing), systematically advancing draft texts.
3. Established procedural and expert mechanisms for negotiation.

²⁸⁹ 5/14. UNEP. Nairobi. End plastic pollution: towards an international legally binding instrument

²⁹⁰ 2022. UNEP. Intergovernmental Negotiating Committee on Plastic Pollution

4. Produced progressively refined treaty drafts culminating in a Chair's Text.²⁹¹

Talks for the text of the treaty are centered around measures of:

In the draft treaty text, ambitious obligations include:

- **Controls on trade and chemicals**, which demand costly testing labs and regulatory oversight.
- **Upstream measures** such as redesigning products, phasing out harmful plastics, and possibly reducing production.
- **Midstream and downstream measures**, including establishing advanced recycling and waste treatment facilities.
- **National Action Plans** that would have to set targets, monitor progress, and report regularly²⁹²

2.7.2 Latest INC meeting on Aug 5-15 that was set to finalize treaty to control plastic pollution, prevent plastic waste from entering ecosystems

The latest meeting was held in Geneva, Switzerland, with over 2,600 participants including delegates, observers, and ministers from the participating countries. The session opened with the aim to finalize and approve the treaty text, building on the Chair's Text from the Busan meeting (INC-5.1).

On **15 August**, in plenary, the meeting was **adjourned without consensus** as no treaty text was adopted.²⁹³

Key issues that remained unresolved included whether the treaty should regulate plastic production (supply controls), how to treat chemicals of concern, and how to structure finance, implementation, and means of support for countries.²⁹⁴

²⁹¹ Earth negotiations bulletin. Summary report, 25 November – 1 December 2024

²⁹² Earth negotiations bulletin. Summary report, 25 November – 1 December 2024

²⁹³ UNEP. Second Part of the Fifth Session (INC-5.2)

²⁹⁴ Earth negotiations bulletin. Summary report

Due to differences in these key issues the countries can be split into groups based on their reason of opposition to the finalised text of the treaty.

- **High Ambition Coalition (including Rwanda, Norway, EU members, some Pacific island states)** pushed hard for a treaty that includes **legally binding controls on plastic production**, restrictions on **chemicals of concern**, and global product design standards. They argued that without tackling the full life cycle, especially upstream production, the treaty would fail to stop pollution at its source.²⁹⁵
- **Major plastic-producing countries (such as Saudi Arabia, Russia, Iran and to some extent the US and China)** resisted binding measures on production. They emphasized the importance of focusing on **waste management, recycling and national discretion**, warning that production caps could harm economies dependent on petrochemicals.²⁹⁶
- **Developing countries and groups like the African Group** stressed the need for **strong financial and technical support**. They said that without guaranteed funding and technology transfer, they could not meet ambitious obligations. They also called for clarity on who would pay and how a financial mechanism would work.²⁹⁷
- **Small Island Developing States (SIDS)** highlighted their **vulnerability to plastic waste and marine pollution**. They argued strongly for upstream measures and binding commitments, pointing out that their territories are overwhelmed by plastic they do not produce.²⁹⁸
- **The US** supported a legally binding treaty but favored a more **flexible, bottom-up approach**, where each country sets national action plans instead of having universal production restrictions.²⁹⁹

²⁹⁵ ENB (2025).

²⁹⁶ Ibid.

²⁹⁷ Ibid.

²⁹⁸ Ibid.

²⁹⁹ Ibid.

- **China** signaled openness to ambitious action on plastic pollution but leaned toward **gradual implementation** and more emphasis on **recycling and waste management** than on strict production caps.³⁰⁰

2.7.3 Demands and positions of country groups within the INC

Small Island Developing States (SIDS)

When **Small Island Developing States (SIDS)** talk about “**upstream measures**” in the plastics treaty negotiations, they mean policies that act at the very beginning of the plastics life cycle before plastic becomes waste. Upstream measures shift responsibility back to the countries and companies that make and export plastics, instead of leaving island nations to struggle with managing overwhelming waste they didn’t create.

For SIDS, this matters because:

- They **do not produce plastics** on a large scale but import huge amounts of plastic products.³⁰¹
- They **lack land space and infrastructure** for large landfills, incineration, or advanced recycling.
- They are on the **receiving end of marine plastic pollution** that drifts to their shores from other regions.³⁰²

So, when SIDS demand upstream measures, they are asking for things like:

- **Limits on global plastic production** (so there’s less to dispose of in the first place).
- **Design rules** requiring products to be reusable, recyclable, or non-toxic.
- **Bans or restrictions** on harmful single-use plastics and chemicals of concern.³⁰³

³⁰⁰ Ibid.

³⁰¹ UNEP (2023a).

³⁰² ENB (2025).

³⁰³ UNEP (2023a).

Developing countries and groups like the African Group

Developing countries and groups like the African Group stressed the need for strong financial and technical support. They claim that the ambitious obligations need guaranteed funding and technology transfer, so that they could be met. These groups demand clarity in the financial responsibilities and the financial mechanism with which efforts in the treaty will be pushed.

Why they stress financial and technical support

- Many developing countries **do not produce plastics at scale** but are among the worst affected by pollution.³⁰⁴
- They often **lack infrastructure** for waste management (landfills, recycling plants, collection systems).
- Meeting treaty requirements, whether on monitoring, regulating chemicals, or shifting to alternative materials, requires **expensive new technologies, expertise, and stable funding**, which they may not be able to provide due to political instability or poor fiscal abilities.³⁰⁵
- Without help, they fear the treaty would create **unfair burdens**, expecting them to deliver high environmental standards without the means necessary.³⁰⁶

These countries agree that **these measures** need to be implemented, but are unsure about their ability to execute them:

- **Upstream measures**
- **Midstream and downstream measures**
- **National Action Plans** requiring administrative capacity and data systems many developing countries don't yet have.

³⁰⁴ ENB (2025).

³⁰⁵ UNEP (2023a).

³⁰⁶ UNEP (2023b).

- **Controls on trade and chemicals**

Why the financial mechanism is seen as unclear

- The treaty text is still **bracketed** (undecided) on whether there will be a **dedicated financial mechanism** or if financing will come from **existing channels**.³⁰⁷
- It is not clear **who will pay** and for what, should it be producer countries, private companies, or voluntary donor contributions.³⁰⁸
- Some proposals link financing to **extended producer responsibility (EPR)** schemes, but it's not settled whether these will be global or only national.
- The scale of funding remains undefined, developing states worry promises may be vague, like in past environmental treaties, leaving them without predictable resources.³⁰⁹
- Technology transfer (e.g., recycling tech, safe chemical alternatives) is mentioned but not backed by concrete commitments.³¹⁰

Major plastic-producing countries

The central tension in the INC talks is that major **plastic-producing countries** resist binding measures on production and emphasize that the importance of focusing on **waste management, recycling and national discretion is enough to manage the crisis**.

Why they resist binding production limits on a national level argument:

- **Economic dependence** - Many of these countries' economies are heavily tied to **petrochemicals and plastics manufacturing**. Binding caps on production would directly cut into state revenues, exports, and jobs.³¹¹

³⁰⁷ ENB (2025).

³⁰⁸ UNEP (2023b).

³⁰⁹ ENB (2025).

³¹⁰ UNEP (2023a).

³¹¹ ENB (2025).

- **Sovereignty concerns** - They argue that decisions on production levels are a matter of **national policy**, not something that should be dictated globally.³¹²
- **Practicality argument** - Producers often say that waste and pollution arise mainly from **poor disposal systems**, not from production itself, so fixing downstream waste management should be the priority.³¹³
- **Technological optimism** - They promote solutions like **advanced recycling, circular economy technologies, and voluntary national action plans**, rather than global restrictions.³¹⁴

Explaining how they claim the harm of the production caps on a wider scale:

- Energy transition risks: For petro-states, plastics are also seen as a future-proof revenue stream as oil demand for fuel declines — so they resist measures that would shrink that outlet.³¹⁵
- Global supply chain disruption: They suggest caps could make plastics (which are used in medicine, agriculture, and infrastructure) scarcer or more expensive, harming global consumers.³¹⁶

High Ambition Coalition (HAC)

This group is recognised for pushing strong full life cycle and production regulation.

Why HAC can afford to push hard

- Many HAC members (EU, Norway, Rwanda, Pacific Islands) already have **national bans on single-use plastics, EPR systems, and strong waste regulations**. They have the infrastructure and regulatory experience to implement tougher global rules.³¹⁷

³¹² UNEP (2023b).

³¹³ ENB (2025).

³¹⁴ UNEP (2023a).

³¹⁵ ENB (2025).

³¹⁶ Ibid.

³¹⁷ UNEP (2023a).

- HAC members are under **domestic pressure** from voters and civil society for bold action on plastics. EU states especially frame plastics as part of their **European Green Deal** commitments.³¹⁸
- Unlike petrochemical producers, HAC economies are **less dependent on plastic production** revenues.

How HAC addresses sovereignty concerns

- HAC argues that **plastic pollution is a transboundary problem**, much like climate change, so **global standards are justified**. Sovereignty is respected because each state designs its **National Action Plan** under a common framework.³¹⁹

HAC members recognize that **developing countries need resources** to implement obligations. They propose a **dedicated multilateral fund**, potentially financed by:

- Mandatory contributions from wealthier states,
- **Extended Producer Responsibility (EPR)** schemes requiring companies to cover cleanup and redesign costs,
- Innovative sources (levies on virgin plastic production).
- On “who pays,” HAC stresses the **polluter-pays principle**: those who profit most from plastic production should bear the highest costs.³²⁰

HAC argues that petro-states must begin a **just transition** away from fossil fuel-based plastic industries, similar to the global energy transition. They suggest **financial and technical support** for diversifying economies, rather than keeping them locked into plastics.³²¹

³¹⁸ ENB (2025).

³¹⁹ UNEP (2023b).

³²⁰ ENB (2025).

³²¹ UNEP (2023a).

2.8 CONCLUSION

Plastic pollution represents a pressing global challenge that extends far beyond environmental degradation, directly impacting fundamental human rights. The infringement of human rights due to plastic pollution is evident in several domains. The right to life and right to health are compromised through exposure to toxic chemicals, microplastics, and polluted water sources. Additionally, the right to a healthy environment and the right to an adequate standard of living are increasingly jeopardized, particularly in communities heavily reliant on natural resources. Children, as a vulnerable demographic, face amplified risks, underscoring the urgency for protective measures and targeted interventions. International efforts, particularly by UN bodies, demonstrate that coordinated policy, recycling initiatives, and global awareness campaigns can mitigate some of the adverse impacts. Case studies reveal both successes and challenges, illustrating the importance of context-specific strategies. However, the landscape of plastic pollution laws remains uneven. Developed nations often have stricter regulatory frameworks compared to developing countries, while disparities exist between consumer-driven economies and producer-centric nations. Similarly, net exporters of plastic waste often externalize environmental burdens to net importers, raising ethical and legal questions about equity and accountability. The United Nations have made efforts to terminate or at least lower the impacts of plastic pollution on the environment, however with the collapse of the global plastics treaty talks in Geneva, the question is not simply when negotiations will resume, it is how to avoid repeated failure.

In conclusion, addressing plastic pollution requires an integrated approach that combines human rights protections, effective policy frameworks, and global cooperation. Only through coordinated action at local, national, and international levels can the world ensure both environmental sustainability and the safeguarding of human rights for present and future generations.

2.9 ISSUES TO CONSIDER

1. Should the treaty impose caps on plastic production?

Supporters say production caps attack the problem at its source: if less virgin plastic is produced, less will leak into rivers and oceans. Opponents are often petrochemical exporters and warn caps would hit jobs, exports and national revenues and argue that production is a matter of sovereign economic policy. This debate forces delegates to balance environmental effectiveness against economic transition needs. Possible compromises include phased caps, differentiated timelines, or linked financing for economic diversification.

2. Upstream controls (design, chemicals, bans) or downstream fixes (waste management and recycling) — which should come first?

“Upstream” measures (design rules, banning harmful additives, curbing single-use products) reduce pollution before it exists, while “downstream” measures (collection, recycling, incineration) deal with waste after it’s created. Countries with weak waste systems and Small Island Developing States favour upstream action because they cannot absorb more waste. Producer states often push downstream solutions. Delegates should consider how to approach this: mandatory design standards for certain products or international support to scale recycling in low-capacity states. Both?

3. Who pays and how: financing, technology transfer and a global fund?

Many developing states insist that ambitious obligations are meaningless without predictable finance and technology support. Past treaties show that vague promises rarely translate into action. Wealthy states and industry sceptics worry about open-ended liabilities. Negotiators can bridge this with a clear funding architecture (e.g., a dedicated multilateral fund, EPR-linked revenues, and donor commitments) and phased, verifiable transfers that tie payment to measurable implementation milestones.

4. How should the treaty treat chemicals of concern and product design standards?

Regulating additives and mandating design-for-reuse or recyclability would reduce health

harms and improve circularity, but these rules require testing capacity and can disrupt existing industries. Delegates must decide whether to use binding global lists/annexes or a science-based, adaptive process (with technical support for lower-income countries). A workable path often combines a global framework with technical annexes and transition periods.

5. How to protect vulnerable states and groups, SIDS, informal waste workers, and marginalized communities?

Small Island Developing States and coastal communities suffer disproportionate impacts from marine debris, informal waste workers rely on plastic recycling for livelihoods but face health risks. Equity demands (special assistance, loss-and-damage considerations, protections for workers) clash with donors' concerns about costs. Effective treaty design will include targeted funding, social safeguards for workers, and special provisions recognizing SIDS' vulnerabilities.

6. Definitions and scope: what counts as “plastic,” “microplastics,” and which products are covered?

Negotiations hinge on definitions, e.g., microplastic size thresholds, whether “feedstock” or only finished products are included, because definitions determine obligations. Narrow definitions lower compliance costs but weaken environmental outcomes, broad ones risk overreach and implementation challenges. Delegates should aim for clear, operational definitions with scientific review clauses and room for technical refinement.

7. Decision-making, compliance and enforcement: consensus or majority, soft law or binding sanctions?

Some states insist on consensus and voluntary measures to protect sovereignty, others want majority voting and binding compliance to ensure effectiveness. The choice affects treaty ambition: strong enforcement can drive results but may deter signatories. Compromises include graduated compliance mechanisms, non-punitive review processes,

incentives for compliance, and escalation ladders that combine assistance with accountability.

8. What role for industry, Extended Producer Responsibility (EPR) and the polluter-pays principle?

EPR and producer levies shift costs onto manufacturers and can finance collection, recycling and redesign thus appealing to states seeking private-sector involvement. Industry supports voluntary innovation but often resists mandatory fees or strict EPR rules. Delegates will negotiate whether EPR is mandatory, how revenues are governed, and safeguards to ensure funds reach implementation in low-capacity countries.

9. Human rights and health implications: how should the treaty protect people (children, workers, frontline communities)?

Plastic pollution intersects with rights to health, water, food and a healthy environment. Children and informal workers are especially at risk from chemicals and waste burning. A treaty that ignores these impacts risks causing injustice even while reducing pollution. Delegates should push for human-rights language, health safeguards, and monitoring requirements to ensure the treaty's measures protect the most vulnerable.

2.10 FURTHER READINGS

1. **Good Environment as Part of Human Right: A Case Study on Plastic Waste Post Pandemic** <https://kneopen.com/kne-social/article/view/12071/>

2. **Sea Peoples & Marine Plastic Pollution in Southeast Asia: An International Human Rights Approach in Support of Indigenous Rights to Environment** <https://escholarship.org/uc/item/3522j1dj>

3. **Informing the Plastic Treaty negotiations on science - experiences from the Scientists' Coalition for an Effective Plastic Treaty** <https://link.springer.com/article/10.1186/s43591-024-00091-9>

4. The Prospects of an International Treaty on Plastic Pollution

https://brill.com/view/journals/estu/37/4/article-p727_5.xml

5. Embedding the right to health within international negotiations on plastics

https://pure.strath.ac.uk/ws/portalfiles/portal/164294525/Hamley_etal_OOH_2023_Embedding_the_right_to_health_within_international_negotiations_on_plastics.pdf

6. Solutions to Plastic Pollution: A Conceptual Framework to Tackle a Wicked Problem

<https://library.oapen.org/bitstream/handle/20.500.12657/50951/978-3-030-78627-4.pdf?sequence=1#page=343>

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