

Written Submission to the Executive Secretary of the INC Plastic Pollution Secretariat

Smoke Free Partnership

Please find below our submission on proposed elements and provisions that can be considered by the Secretariat in preparing a “document with options for elements”. The proposed provisions below also reflect the **key positions** of the [STPA /stop tobacco pollution alliance](#), which is to align the plastics treaty with the WHO Framework Convention on Tobacco Control (FCTC), among others to ban unnecessary and toxic plastics in the form of cigarette filters, and remove conflicts of interest particularly with the tobacco industry.

The Smoke Free Partnership (SFP) was actively engaged in the development and implementation of the EU Single-Use Plastics Directive, and we have witnessed how failure to align fully with the WHO Framework Convention on Tobacco Control has allowed the tobacco industry to undermine life-saving Tobacco Control measures while undermining environment. This includes government obligations to implement comprehensive tobacco advertising bans, including so-called CSR, and to protect public health policies from the commercial vested interest of the tobacco industry. The tobacco industry has taken advantage of the situation, and under the guise of extended producer responsibility, has caused the violation of conflict of interest rules by partnering with EU national governments, and achieved the promotion of its activities, to project a positive image for itself to the detriment of public health. This is in contradiction with the Tobacco Control treaty. SFP is currently engaged in the revision of the application of the polluter pays principle in the EU, to try and ensure that the tobacco industry’s specificities are taken into account, notably when it comes to Extended Producer Responsibility. We are notably committed to ensuring the industry’s accountability and avoiding that EU legislation leads to greenwashing, notably through our engagement as experts in the current elaboration of tobacco-sectorial standards for the reporting on non-financial activities to companies listed on EU regulated markets. We also work on legislative work around the mitigation and prevention of tobacco products waste, and support our more than 50 national coalition partners in the national implementation of tobacco-related environmental legislative EU pieces. SFP aims to help the EU successfully deliver on its EU’s circular economy package and ambition to achieve a green transition, which to happen, needs the tobacco industry’s specificities to be taken into account.

We remain at your disposal in case there is any further clarification or support we can provide

Written Submission

I. Substantive elements

A. **Objective(s):¹**

In addition to the established objectives embodied in United Nations Environment Assembly (UNEA) [resolution 5/14](#) which is further elaborated and strengthened by first meeting of the Intergovernmental negotiating committee (INC-1) delegations such as AOSIS, HAC, etc., we propose to add the following objectives:

1. To ensure coherence with the duty to protect the right to health

(Alt: To ensure that the right to health is not compromised, and where possible, advance public health interests, while in the process of protecting the environment)

a. The Right to Environment is Intertwined with the Right to Health: Ban toxic and unnecessary single use plastics such as cigarette filters. In July 2022, the United Nations General Assembly (UNGA) noted that “the right to a clean, healthy and sustainable environment is related to other rights and existing international law ([UNGA 76/L75](#)). The plastics treaty is intertwined with the right to health and existing international law such as the World Health Organization Framework Convention on Tobacco Control ([WHO FCTC](#)). The right to health is protected when immediate action is taken towards the elimination of toxic and unnecessary single use plastics such as cigarette filters: not only does this remove the most littered plastic pollutant, but this also removes a fraudulent design feature that is meant to make smoking attractive, thus encouraging tobacco use/discouraging quitting.

b. Eco-Friendly” Substitutes and Activities of the Tobacco Industry Undermine Public Health Notably, some environmental remedies may have unintended health consequences. Attempts at product harm reduction usually come in the form of new substitute products, which may also have adverse health effects. In the case of commercial cigarettes, any substitute for the almost universal cellulose acetate (plastic) filter (e.g., biodegradable or reusable filters) could encourage use of these products with reduced environmental concerns. This is despite the fact that the environmental toxicity, harmfulness to smoker’s health, and health risks to nonsmokers from secondhand smoke exposure will persist with such product design changes. In the absence of scientific data on the value of product changes proposed by the tobacco industry and its allies, the precautionary principle² should apply to current or planned product alterations. Discarded cigarette butts are toxic waste products with the potential to harm ecosystem services, wildlife, and possibly human health. Furthermore, allowing the tobacco industry to promote such product changes as part of its “extended producer responsibility” (EPR), would effectively violate comprehensive advertising bans, including a ban on sponsorships/ so-called corporate social responsibility (CSR) activities of the tobacco industry, that are in place in over 60 countries.³

2. To protect environment interests from the commercial and vested interests of industry actors, and to recognize that, as to the tobacco industry, the conflict of interest is recognized as “fundamental and irreconcilable.”

According to the November 30, 2022 Statement of the Office of the High Commissioner on Human Rights entitled [Key human rights considerations for the negotiations to develop an international legally binding instrument on plastic pollution](#) : “Clear boundaries on conflict of interest should be established for the negotiations process and the implementation of the new Plastics treaty drawing from existing good practices under international law, for example, article 5.3 of the WHO Framework Convention on Tobacco Control states that “Parties shall act to protect [their public health policies with respect to tobacco control] from commercial and other vested interests of the tobacco industry...”

The treaty must recognize the inherent conflict of interest between the responsibilities of agencies whose mission is to protect the environment and those with commercial interests in selling products known to harm it. It must also recognize that in the case of tobacco, international instruments (i.e., WHO FCTC) and national policies now in place affirm that the conflict of interest between tobacco industry and public health authorities is fundamental and irreconcilable.⁴

In 2011, the UN General Assembly recognized “the fundamental conflict of interest between the tobacco industry and public health” ([UNGA 66/2](#))⁵ in view of the WHO FCTC’s General Obligation (Art 5.3), an obligation for Parties to protect public health policies from the commercial and vested interests of the tobacco industry.. WHO FCTC Guidelines for the Implementation of Art 5.3 states that “there is a **fundamental and irreconcilable** conflict between the tobacco industry’s interests and public health policy interests”

3. **To make the industry accountable for past, present, and future harms including through dissuasive sanctions and effective remedies.**

The plastics treaty must aim for sustainability, coherence, and accountability. There is an inherent deterrent for environmentally harmful activities if producers of polluting items are made accountable and liable not only for past and present harms (e.g., via remedies such as litigation and compensation, mandated product warnings, and mandated product changes), but also for future or potential harms (e.g., via financial guarantees to mitigate environmental damages caused by products). Such deterrent interventions help to ensure continuous and sustained efforts to avoid further harms to the environment. To ensure coherence, the treaty must view producers as polluters who must be accountable for harms and not allow them to set policy as stakeholders. It must not inadvertently encourage or incentivize activities that are damaging to the environment or health. The treaty should be coherent with relevant principles, provisions and practices that are embodied, not just in existing multilateral environment agreements (as indicated in UNEA Resolution 5/14), but also health and human rights treaties.⁶

Accordingly, environmental rights are human rights, and these rights must be protected from adverse business practices through dissuasive sanctions and effective remedies. In July 2022, the UNGA recognized “the right to a clean, healthy and sustainable environment as a human right;”. ([UNGA 76/L75](#)) And according to the [Guiding Principles](#) on Business and Human Rights, States must “Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate.” Harming the environment, e.g., by ignoring laws, standards, and regulations, should be considered contributing to human rights abuse; and hence, addressing such a risk should be legal compliance issue. According to the [third revised draft of the Binding Treaty on Business and Human rights](#), human rights violations should be subject to effective, proportionate, and **dissuasive sanctions**.⁷

Guiding Principles on Business and Human Rights also provide that “States must take appropriate steps to ensure...that when such abuses occur within their territory and/or jurisdiction, those affected have access to **effective remedy**.”⁸ In the case of tobacco, remedy includes compensation: Parties to the WHO FCTC “shall consider taking legislative action or promoting their existing laws, where necessary, to deal with criminal and civil liability including compensation, where appropriate,” including affording one another assistance in legal proceedings. States are urged to assist one another in holding the tobacco industry liable including to compensate victims and the State. Thus, accountability measures used in the environment sector such as sanctions, taxes or surcharges, financial guarantees, special adjudicatory bodies, and the like should be considered.

Notably, some Parties have imposed “surcharges” on the tobacco industry in the spirit of the Polluters Pay Principle;⁹ these should also be encouraged as tax and price measures which are effective means to reduce tobacco consumption, in accordance with WHO FCTC Art 6.

B. Core obligations, control measures, and voluntary approaches¹⁰

1. Ban ubiquitous, toxic and unnecessary single use plastics (SUPs), specifically cellulose acetate cigarette filters.

- a. **Single Use Plastic:** Cellulose acetate cigarette filters¹¹ are deemed “single use plastics.” environmental experts¹² and UNEP publications¹³ have described discarded cigarette filters as plastic waste.¹⁴
- b. **Not biodegradable:** The cellulose filter has been shown to persist intact under variable environmental conditions for up to ten years. It is the most common single item collected in beach and many urban cleanups. Under certain environmental conditions, it may break up into smaller particles.¹⁵ Along with plastics in cigarette packaging, cigarette butts degrade into microplastics that may be ingested by marine organisms and animals.¹⁶ The tobacco industry has long claimed that biodegradable filters are not economically viable for the industry,¹⁷ and despite evidence of random attempts to market ‘biodegradable’ filters, there is currently no known serious industry effort to develop such alternatives.
- c. **Not recyclable:** There is no evidence that toxic tobacco chemicals can be removed from cigarette filters and that they can be safely used in recycled products. Furthermore, creating “recyclable” or “biodegradable” cigarette filter substitutes could enable smokers to discard cigarette butts with less concern and perhaps even attract youth initiators who may think them less harmful to them and the environment. Allowing the tobacco industry to promote “biodegradable” or “recyclable” cigarettes would also enable it to undertake so-called tobacco CSR, which is a violation of the policies on advertising bans and the aforementioned Article 5.3 of the WHO FCTC, the guidelines of which recommend countries to denormalized so-called tobacco CSR.
- d. **Toxic:** Cigarette butts are non-biodegradable plastic waste which carries tobacco residue, toxic chemicals such as nicotine, and heavy metals that have been shown to harm aquatic and plant life.¹⁸ Although some independent research has attempted to classify cigarette butts as toxic or as hazardous waste,¹⁹ they have yet to be classified as a specific environmental hazard at Government level.²⁰
- e. **Unnecessary:**
 - i. **Unnecessary Design Feature:** Cigarette filters are a product design feature intended to make smoking more convenient and appealing to smokers. Manufactured cigarettes were sold without filters for many decades and are still sold in small quantities by multinational tobacco companies. ²¹ Limited research and expert opinion suggest that banning filters as SUPs could reduce the attractiveness of cigarettes and could encourage smokers to quit.²²
 - ii. **Health Risk:** According to reviews by the US Surgeon General and US National Cancer Institute, there is no evidence to show that filtered cigarettes are safer than unfiltered cigarettes. Cigarette filters have been shown to release plastic fibers to the lungs of smokers. They also have been associated with a more aggressive form of lung cancer,

showing increased incidence since widespread filtered cigarette marketing.²³ Nevertheless, most consumers and policymakers believe filters make the product safer,²⁴ even when there is no evidence supporting the belief. In fact, overall risks for cancers, lung disease, and cardiovascular diseases among smokers have not declined. Any decline in these disease burdens is due to widespread reductions in tobacco use.

- f. **Ubiquitous:** Cigarette butts are the single most littered plastic on the planet, with an estimated 4.5 trillion butts improperly disposed every year.²⁵ They comprise 20-40% of small waste products collected in urban waste cleanups, about one-third of all waste products picked up during the annual International Coastal Cleanup over the last 30 years.²⁶

2. Comply strictly with health treaties in implementing the plastics treaty

Over 180 Parties to the WHO FCTC have an obligation to reduce tobacco use by:

- 1) Resisting the commercial and vested interests of the tobacco industry (Art 5.3);
- 2) Regulating or prohibiting novel or attractive features in tobacco products (Art 9/10);
- 3) Preventing sale of tobacco products to minors (Art 12);
- 4) Banning tobacco advertising, including the tobacco industry's CSR activities (Art 13); and
- 5) -Reducing demand for tobacco products through policies such as smoking restrictions and higher prices (Art 14).

States should not allow the plastics treaty obligations to trump or undermine any WHO FCTC treaty provisions and supportive public health policies. For instance, the ban on cigarette filters should not be used to justify the creation of a new replacement/substitute filter that is likely to sustain tobacco use or cause unknown harms, thereby undermining the WHO FCTC Art 9/10 and 13) See Annex 1 for other plastics measures and policies that could lead to undermining the WHO FCTC.

3. **OPTIONAL: Apply the precautionary principle when dealing with cigarettes/ cigarette butts.** Cigarette butts have been shown in laboratory studies to be highly toxic, but further research is needed to determine the full potential for environmental harm or long-term harm to humans due to environmental contamination by cigarette butts. In the meantime, cigarette butts must be treated as hazardous waste and not recycled or altered as new products because of the known chemical toxicity of tobacco products, both to human health and in laboratory research.
4. **Protect the plastics treaty implementation from industry interference, and in the case of tobacco industry, exercise due diligence in line with WHO FCTC Art 5.3 Guidelines.**
 - i. In general, States must establish protocols to prevent industry influence that would be detrimental to the treaty's objectives of environmental protection. This would ensure independence and integrity in the public administration of the treaty's obligations to protect human rights.
 - ii. As indicated above, WHO FCTC Article 5.3 obligates parties to protect tobacco control from the commercial and vested interests of the tobacco industry because there is a fundamental and irreconcilable conflict of interest between the tobacco industry and public health. The plastics treaty must recognize that Guidance already exists for dealing with

tobacco industry and respect State's duty to implement Art 5.3 by abiding by such guidance.

C. Implementation measures²⁷

1. **Integration into existing action plans and coordinate with existing national coordinating mechanisms.** Some states already include treaty obligations in their national sustainable development plans or national health or environment agenda. Policies and activities to implement the plastics treaty should be incorporated into existing plans to ensure coherence.
2. **National coordinating mechanisms (NCMs)** for sustainable development should also work with bodies set up to implement the plastics treaty. Notably, Parties to the WHO FCTC are obligated to establish NCMs and these should be protected from the commercial and vested interests of the tobacco industry. Hence, in many jurisdictions, NCMs for Tobacco Control adopt a policy or some practice to ensure that its members do not have conflicts of interests or are not affiliated with the tobacco industry.²⁸

D. Means of Implementation

Financing through taxation and surcharges. Financing is key in treaty implementation. States should be encouraged to mobilize domestic sources of financing through tobacco taxation, among others, as this would also serve as a price measure that would assist in reducing consumption of tobacco products.

E. Additional input

The following final provisions will also be helpful to ensure alignment with the WHO FCTC.

1. **Relationship with health treaties.** Nothing in this instrument shall limit a state's ability to attain the objectives of the WHO FCTC, to protect present and future generations from the devastating health social environmental and economic consequences of tobacco consumption and exposure to tobacco smoke.
2. **Interpretation.** This instrument should be interpreted and implemented in a manner supportive of State's right to protect public health, and in particular, the WHO FCTC.

Annex 1: Excerpts from Stop Tobacco Pollution Alliance (STPA) briefs

ANNEX A Policy Tools & WHO FCTC Implications (GGTC, [Tobacco Toxic Plastics, 2022](#))

Policy Tools	Implications	WHO FCTC Treaty Affected
Ban on the item	If tobacco companies continue to sell the product without the filters, the product will likely be less palatable and attractive and ultimately, discourage use.	Generally consistent with the treaty objectives. Art 14 mandates Parties to promote cessation of tobacco use, and Art 18 focuses on the protection of the environment.
Levy on suppliers/producers	A form of levy through tobacco taxes is in place in many jurisdictions. The infrastructure made available by the fact that practically all governments impose some form of excise or specific tax on tobacco products make this a feasible and practical option but should not preclude a subsequent ban on the cigarette filter as a toxic single use plastic. A levy may also be used by the industry as a delay tactic to avoid a ban on cigarette filters so care must be taken in using this option.	Can be consistent with WHO FCTC if done as part of or a precursor to a ban instead of an alternative to it or as a means to delay the same.
Levy on retailers	A levy on retailers has not met much success in tobacco control as this requires a complex process of licensing all retailers which has yet to be done in many jurisdictions. Nevertheless, levies on retailers have been done in many countries for bans on shopping bags. A levy may also be used by the industry as a delay tactic to avoid a ban on cigarette filters so care must be taken in ensuring this is a means to an end, not the end itself.	
Levy on consumers	A levy on consumers has the effect of a price measure which could dissuade smokers and encourage quitting, but it may also be used by the industry as a delay tactic to avoid a ban on cigarette filters so care must be taken in using this option.	
Ban and Levy (e.g Ban on one item, and levy on another less polluting item)	Tobacco companies are likely to produce an alternative (unfiltered cigarettes/ vapor products) in light of any ban on filtered cigarettes. Any form of encouragement towards the use of an alternative to tobacco, e.g. vaping products, would have public health and governance implications.	May violate Art 13 to the extent that alternative tobacco products are promoted and may violate Art 5.3 to the extent that tobacco companies are incentivized or benefited to run their business.
Extended producer Responsibility	Current forms of EPR fundamentally require self-policing, and some level of cooperation with the government. This is usually implemented as a precursor or alternative to a regulatory measure such as a ban or levy. Tobacco companies are exploiting this scheme to promote themselves as "socially responsible" companies.	Inconsistent with Art 5.3, which prohibits partnerships with and voluntary agreements of the tobacco industry; and potentially Art 13, restricting or banning tobacco sponsorship including so-called CSR.

Source: Tobacco in Plastics Policies. Global Center for Good Governance in Tobacco Control (GGTC), October 2022. Available at: <https://ggtc.world/library/tobacco-in-plastics-policies>

ANNEX B

Proposed Inclusion for Plastics Treaty and Assessment (GGTC, Tobacco's Toxic Plastics, 2022)

Policy Recommendations of Environment Sector	Implication for Cigarette Butts / Tobacco Products	WHO FCTC Treaty Provision Affected
Reduce Virgin Plastics	Both the cigarette filters and the outer plastic packaging can be derived from virgin plastics; and reducing these would be consistent with the objective of reducing tobacco use.	Generally consistent with the treaty objectives. Art 14 mandates Parties to promote cessation of tobacco use
Eliminate Single Use Plastics	Cigarette filters are primarily made from cellulose acetate which are classified as "single use plastics", hence, should be eliminated. Filters create an added health risk due to plastic fibers that fall out as well as its link to Adenocarcinoma (aggressive type of lung cancer), and its attractiveness tends to fuel adolescent uptake.	Generally consistent with the treaty objectives of Art 19, prescribing regulations to reduce the attractiveness of cigarettes including of design features and ingredients.
Safe Recycling	There is no recycling method for cigarette butts that has been widely accepted and scientifically proven to be safe and cost efficient. Recycling may not be applicable for cigarette butts. Encouraging recycling of filters may also send the wrong signal that it is a safe, more eco-friendly way of consuming tobacco, reducing the desire to quit.	Will likely go against Art 13 which prohibits / restricts marketing of tobacco products, and Art 9/10 (Guidelines) on reducing attractiveness of products
Removing Plastics		
Preventing Plastics entry into the environment	Cigarette butts are the most littered item in most public places and when littered, releases toxins that are harmful whether on land, water or air. Action must be taken to remove butts and prevent them from entering the environment.	Art 18 focuses on the need for the protection of the environment and health of persons in relation to the environment.[191]
Modify legislation: From EPR to certification schemes	Certification schemes and voluntary industry standards require self-policing by the tobacco industry, and some level of cooperation with the government. This is usually implemented as a precursor or alternative to a regulatory measure such as a ban or levy. Tobacco companies have used these types of schemes as part of their marketing and public relations strategies in the past, at the expense of public health	Inconsistent with Art 5.3, which prohibits partnerships with and voluntary agreements of the tobacco industry; and potentially Art 13, restricting or banning tobacco sponsorship including so-called CSR
Modify legislation: From EPR to voluntary industry standards		
Remediation of plastics with a view to making impacted communities whole	Due to its toxic nature, cigarette butts need to be taken out of the ecosystem, along with other plastics, despite the financial costs. Under the polluter pays principle, tobacco companies can be made to pay proportionately to the harms caused.	Art 6 Guidelines provide for tax measures including dedicating taxes for health promotion. Art 19 provides for addressing the liability of the tobacco industry, including compensation
To learn more, visit Stop Tobacco Pollution Alliance		

Source: Tobacco in Plastics Policies. Global Center for Good Governance in Tobacco Control (GGTC), October 2022. Available at: <https://ggtc.world/library/tobacco-in-plastics-policies>

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¹ "a) What objective(s) could be set out in the instrument?"

Source: Potential elements, based on provisions in paragraphs 3 and 4 of United Nations Environment Assembly resolution 5/14, including key concepts, procedures and mechanisms of legally binding multilateral agreements that may be relevant to furthering implementation and compliance under the future international legally binding instrument on plastic pollution, including in the marine environment. UNEP/PP/INC.1/5; October 14, 2022. Available at: <https://wedocs.unep.org/bitstream/handle/20.500.11822/40873/K2221532%20-%20UNEP-PP-INC.1-5%20-%20FINAL%20REVISED%20CLEAN.pdf>

² "The precautionary principle states that if a product, an action, or a policy has a suspected risk of causing harm to the public or to the environment, protective action should be supported before there is complete scientific proof of a risk."

Source: N. Veflen Olsen, Y Motarjemi, ScienceDirect, Food Safety Management, 2014 available at ; <https://www.sciencedirect.com/topics/earth-and-planetary-sciences/precautionary-principle>

³ 2021 global progress report on implementation of the WHO Framework Convention on Tobacco Control. WHO FCTC; February 9, 2022. Available at: <https://ftc.who.int/publications/i/item/9789240041769>

⁴ In 2011, the UN General Assembly recognized "the **fundamental** conflict of interest between the tobacco industry and public health" ([UNGA 66/2](#)) in view of the WHO FCTC's General Obligation (Art 5.3), an obligation for Parties to protect public health policies from the commercial and vested interests of the tobacco industry. WHO FCTC Guidelines for the Implementation of Art 5.3 state that "there is a **fundamental and irreconcilable** conflict between the tobacco industry's interests and public health policy interests"

See: Model Policy for Agencies of the United Nations System on Preventing Tobacco Industry Interference (full text). WHO FCTC, February 26, 2021. Available at: [https://ftc.who.int/publications/m/item/model-policy-for-agencies-of-the-united-nations-system-on-preventing-tobacco-industry-interference-\(full-text\)](https://ftc.who.int/publications/m/item/model-policy-for-agencies-of-the-united-nations-system-on-preventing-tobacco-industry-interference-(full-text))

⁵ Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases. UN. General Assembly (66th session): 2011-2012); 2012. Available at: <https://digitallibrary.un.org/record/720106?ln=en>

⁶ In July 2022, the UNGA recognized "the right to a clean, healthy and sustainable environment as a human right;" ([UNGA 76/L75](#)). And according to the [Guiding Principles](#) on Business and Human Rights, States must "Treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate." Harming the environment, e.g., by ignoring laws, standards, and regulations, should be considered contributing to human rights abuse; and hence, addressing such a risk should be legal compliance issue. According to the [Third revised Draft of the Binding Treaty on Business and Human rights](#), human rights violations should be subject to effective, proportionate, and dissuasive sanctions.

⁷ "Art. 8.1. requires States to "ensure that their domestic law provides for a comprehensive and adequate system of legal liability of legal and natural persons conducting business activities, within their territory jurisdiction, or otherwise under their control, for human rights abuses that may arise from their own business activities, including those of transnational character, or from their business relationships."

States must ensure that their domestic law provides for or establishes:

- the liability of businesses without prejudice to the liability of individuals and does not make civil liability contingent upon finding of criminal liability or its equivalent for the same acts (Art. 8.2.).
- effective, proportionate, and dissuasive criminal, civil and/or administrative sanctions for human rights abuses (Art. 8.3.) and adequate, prompt, effective, gender and age responsive reparations to the victims of human rights abuses (Art. 8.4.).
- the liability of businesses and individuals for their failure to prevent another business or individual with whom they have had a business relationship, from causing or contributing to human rights abuses "when the former controls, manages or supervises such person or the relevant activity that caused or contributed to the human rights abuse or should have foreseen risks of human rights abuses [...] but failed to take adequate measures to prevent the abuse. (Art. 8.6.).
- the criminal or functionally equivalent liability of businesses for human rights abuses that amount to criminal offenses under international human rights, customary international or domestic law (Art. 8.7.) and the criminal liability for acts or omissions that constitute attempt, participation or complicity in a criminal offense (Art. 8.10.).

Art. 8.7. stipulates that human rights due diligence does "not automatically absolve a legal or natural person conducting business activities from liability for causing or contributing to human rights abuses or failing to prevent such abuses".

See: Business & Human Rights Resource Centre; Summary: Third Revised Draft of the Binding Treaty on Business and Human Rights; Aug. 17, 2021; Available at: <https://www.business-humanrights.org/en/big-issues/binding-treaty/summary-third-revised-draft-of-the-binding-treaty-on-business-and-human-rights/>

⁸ "Under Art. 7.1., States must enable victims' access to adequate, timely and effective remedy and access to justice and to overcome the specific obstacles which women, vulnerable and marginalized people and groups face in accessing such mechanisms and remedies. States must also ensure that their domestic laws facilitate access to information; enable courts to allow proceedings in appropriate cases; and "enact or amend laws allowing judges to reverse the burden of proof in appropriate cases to fulfil the victims' right to access to remedy where consistent with international law and its domestic constitutional law."

According to Art. 7.3., States must provide adequate and effective legal assistance to victims throughout the legal process, including by: (a) making information available and accessible to victims of their rights and the status of their claims, (b) guaranteeing the rights of victims to be heard in all stages of proceedings; (c) avoiding unnecessary costs or delays for bringing a claim; and (d) "removing legal obstacles including the doctrine of forum non conveniens to initiate proceedings in the courts of another State Party in appropriate cases of human rights abuses resulting from business activities of a transnational character."

See: Business & Human Rights Resource Centre; Summary: Third Revised Draft of the Binding Treaty on Business and Human Rights; Aug. 17, 2021; Available at: <https://www.business-humanrights.org/en/big-issues/binding-treaty/summary-third-revised-draft-of-the-binding-treaty-on-business-and-human-rights/>

⁹ Spain tobacco firms to pay to clean up cigarette butts. BBC News, January 6, 2023. Available at: <https://www.bbc.com/news/world-europe-64184451>

- 10 "What core obligations, control measures and voluntary approaches would provide a comprehensive approach to addressing plastic pollution, including in the marine environment, throughout the full life cycle in line with the future objective(s) of the instrument?"
See: Pan American Health Org; Manual for Developing Tobacco Control Legislation in the Region of the Americas Health solutions for the poor; Available at: <https://docslib.org/doc/2949645/manual-for-developing-tobacco-control-legislation-in-the-region-of-the-americas>
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27 “a) *How to ensure implementation of the instrument at the national level (eg. role national action plans contribute to meeting the objectives and obligations of the instrument?*
b) *How to ensure effectiveness of the instrument and have efficient national reporting?*
c) *Please provide any other relevant proposals or priorities here on implementation measures (for example for scientific and technical cooperation and coordination as well as compliance).”*

Source: Call for written submissions – Proposed response template on the potential options for elements towards an international legally binding instrument, Proposed response template, INC on Plastic Pollution, December 15, 2022. Available at: https://apps1.unep.org/resolutions/uploads/221216_somali_youth_development_foundation_sydf.pdf

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