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HUMAN RIGHTS COUNCIL  
Twelfth session  
Agenda item 3

**PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL,  
POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS,  
INCLUDING THE RIGHT TO DEVELOPMENT**

**Côte d'Ivoire\* (on behalf of the African Group): draft resolution**

**12/... The adverse effects of the movement and dumping of toxic  
and dangerous products and wastes on the enjoyment of  
human rights**

*The Human Rights Council,*

*Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and the Vienna Declaration and Programme of Action, particularly with regard to the question of the human rights of everyone to life, the enjoyment of the highest attainable standard of physical and mental health, clean water and sanitation, food, adequate housing and work, the right to access to information, the right to participation and the right to development,*

*Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,*

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\* Non-Member State of the Human Rights Council.

*Recalling* all resolutions of the Commission on Human Rights and the Council on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, in particular Commission resolutions 1995/81 of 8 March 1995, 2004/17 of 16 April 2004, 2005/15 of 14 April 2005 and Council resolution 9/1 of 24 September 2008,

*Affirming* that the movement, including transboundary movements, and dumping of toxic and dangerous products and wastes constitute a serious threat to human rights, including the right to life, the enjoyment of the highest attainable standard of physical and mental health, and other human rights affected by the movement and dumping of toxic and dangerous products, including the rights to clean water and sanitation, food, adequate housing and work, the right to access to information, the right to participation and the right to development,

*Reiterating* the fact that all human rights are universal, indivisible, interdependent and interrelated,

*Reaffirming* that the international community must treat all human rights in a fair and equal manner, on the same footing and with the same emphasis,

*Recalling* Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

1. *Strongly condemns* the dumping of toxic and dangerous products and wastes;
2. *Acknowledges with appreciation* the work undertaken by the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights;
3. *Takes note* of the report of the Special Rapporteur (A/HRC/12/26/Add.2) containing the findings and recommendations of the Special Rapporteur deriving from his visits to Côte d'Ivoire, from 4 to 8 August 2008, and to the Netherlands, from 26 to 28 November 2008;
4. *Welcomes* the recommendations of the Special Rapporteur's report;

5. *Decides* in view of the report, to hold a panel of discussion on the matter at its thirteenth session, with equitable geographic and gender participation of relevant experts and representatives of civil society, with a view to making concrete recommendations and proposals on adequate measures to control, reduce and eradicate these phenomena;

6. *Invites* the above-mentioned panel:

(a) To undertake a global, multidisciplinary and comprehensive analysis of existing problems and new trends of and solutions to the adverse effects of the trafficking and dumping of toxic and dangerous products and wastes on human rights, in particular in developing countries, as well as in those sharing borders with developed countries;

(b) To elaborate on the impact of the movement and dumping of toxic and dangerous products and wastes in developing countries on human rights, including the right to life, the enjoyment of the highest attainable standard of physical and mental health, and other human rights affected by the movement and dumping of toxic and dangerous products, including the rights to clean water and sanitation, food, adequate housing and work, the right to access to information, the right to participation and the right to development;

(c) To explore the link between the structural weaknesses of States and the movement and dumping of toxic and dangerous products and wastes;

(d) To discuss the current trends, good practices, challenges and possible solutions to the problem;

(e) To analyse human rights standards applicable to transnational corporations and other business enterprises that dump toxic and dangerous products and wastes;

(f) To analyse the scope of national legislation in relation to the transboundary movement and dumping of toxic and dangerous products and wastes;

(g) To explore general guidelines for the prevention of the movement and dumping of toxic and dangerous products in developing countries;

(h) To explore the questions of waste recycling programmes and the transfer of polluting industries, industrial activities and technologies from developed to developing countries and their new trends, including e-waste and the dismantling of ships;

(i) To analyse the question of ambiguities in international instruments that allow the movement and dumping of toxic and dangerous products and wastes, and any gaps in the effectiveness of international regulatory mechanisms;

7. *Requests* the Office of the United Nations High Commissioner to provide the necessary assistance and support for the panel discussion to be held.

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