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RIGHTS OF THE CHILD

**Written statement* submitted by the International Indian Treaty Council (IITC),
a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[31 January 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The International Indian Treaty Council expressed profound concerns about the devastating impacts of environmental contamination and eco-system destruction on the health, well-being and traditional subsistence practices of Indigenous Peoples. These impacts on the health and development of infants, children and future generations are particularly devastating.

Persistent organic pollutants (POPs) is the subject of an internationally binding treaty yet to be implemented. POPs permeate the food chain and affect health in communities globally. They include pesticides, industrial chemicals and by-products such as PCB's and dioxins. Their proven adverse effects on children, in particular developing fetuses and nursing infants, include birth defects, diabetes, hormonal and reproductive disorders, learning disabilities and neurological damage, cancers and immune system disorders.

Nevertheless, industrial countries such as the US continue to allow the export of toxic chemicals, including those which have been banned for use in their own countries, to developing countries such as Mexico and Guatemala. The International Journal of Occupational and Environmental Health noted that between 1996 and 2000, the US exported nearly 1.1 billion pounds of pesticides, an average rate of almost 16 tons per hour, identified as known or suspected carcinogens. They were sent mainly to developing countries for agricultural use. The International Labor Organization estimates that 65 to 90 percent of the children working in Africa (80 million), Asia (152 million) and Latin America (17 million) work in agriculture. They are often continuously exposed to pesticides in the fields, from water, through their clothing and in their homes.

The results of such practices have been well documented in Indigenous agricultural communities such as the Yaqui Pueblos of Sonora, Mexico. High levels of multiple pesticides have been found in women's breast milk and in the cord blood of newborn infants, resulting in increasing levels of serious developmental problems and cancers.

The IITC expresses its gratitude to UN Special Rapporteur on Human Rights, Toxic Wastes and Dangerous Products, Mrs. Fatma Zora Ouhachi-Vesely, for considering testimony submitted by Yaqui Indian community members from Sonora Mexico. In her report to the Commission (E/CN.4/2004/46/Add.1, Case 2004/76) she shares their reports of cancers as well "birth defects of children born to women employed in agriculture" (para. 34).

Since those testimonies were submitted last year, the IITC has received additional information from Yaqui community members citing severe health problems and illnesses resulting from pesticide exposure, including in children.

Following is a translated excerpt from testimony submitted by a 48 year old mother of 6 from Potam Pueblo, Rio Yaqui Sonora, dated October 19, 2003:

"The airplanes spray chemicals on the crops, and it affects the town and its inhabitants. In and around the whole town there are large tanks holding hazardous chemicals. Many people have died here. One little boy did not understand the serious consequences; he went swimming in a canal when they were spraying, and it had chemicals. He got leukemia. Another man also died from the same disease because he had fertilizers in his

house. A young man died last month because he slept where they stored toxic substances. He absorbed it all, and he didn't last long at all. Nothing could be done to save him".

The IITC encourages Mexico to respond to the Rapporteur's request for information about this situation. We look forward to working with Indigenous communities, the Rapporteur, as well as Mexico, the US and other states to investigate and address this grave human rights situation.

Other POPs known to cause cancer and birth defects were not included in the list banned by the Treaty. They continue to be widely used with dire effects on human health and children's development. One of these is "lindane", an insecticide used for agricultural seed preservation. It is also sold in commercial treatments widely used for head lice and scabies on children, even though it has been proven to cause neurological and reproductive system damage, learning disabilities, cancers and birth defects.

The Sanitation District of Los Angeles County California, USA determined that one application of lindane in a lice or scabies treatment is enough to contaminate 6 million gallons of water. In 1980, the US Environmental Protection Agency (EPA) determined that, although lindane had recognized carcinogenic and reproductive/feto-toxic effects, the "benefits" of its use outweighed the dangers. They continued to allow its sale in the US.

17 countries have now banned the use of lindane. Similar bans are currently being contemplated in North America, although it is unclear how this would affect the export of lindane products to other countries.

Mercury, a heavy metal produced by mining, coal-fired power plants and other industrial sources, also affects the brain, kidneys and nervous system, and is particularly devastating to the nervous system of the developing fetus.

From California to the Philippines, gold mining is a major source of mercury contamination in Indigenous communities. The United Nations Environment Programme (UNEP) estimates that more than one million people, including many women and children in Latin America are involved in small-scale mining activities using mercury.

The amount of mercury required to violate US federal health standards today equals one gram in a small lake. The total amount of mercury lost to the environment as a result of gold mining in Northern California from the 1860's through the early 1900's is estimated at 3 – 8 million pounds or more. Many abandoned mines were never cleaned up, and continue to produce toxic runoff, contaminating lakes and rivers traditionally used for fishing by California Indian Peoples. By 1999 there were fish consumption advisories for 13 Northern and Central California water bodies due to mercury contamination.

Scientists estimate that Clear Lake, home to the Elem Pomo Indian community, contains 100 tons of mercury alone. A published 1997 study by the Environmental Health Laboratory Branch of the California Department of Health Services, Berkeley, California and other agencies, "*Biological Monitoring for Mercury within a Community with Soil and Fish Contamination*", reported that blood and hair mercury levels in Pomo Indians living in Clear

Lake were, on average, significantly higher than in the general US population. The average levels among Pomo Indians tested in this study were three times higher than the level considered safe for the developing fetal brain

In July 2000, the National Academy of Sciences released a study concluding that an estimated 60,000 babies born each year in the US face serious threats of learning disabilities and other forms of neurological damage due primarily to fish consumption from mercury contaminated waters as a result of coal-fired power plant emissions released into rivers and lakes.

Nevertheless, in December 2003, the Bush administration proposed that mercury emissions from US coal-burning power plants be removed from the most stringent regulations of the Clean Air Act limiting toxic air pollutants, reversing a stance taken by the Clinton administration in 2000.

Coal-burning power plants release about 48 tons of mercury into the air each year, or about 40 percent of the total human-caused mercury emissions in that country, according to the US EPA. Under the Bush administration proposal, power plants would also be able to buy and sell the rights to emit mercury into the air, a provision intensely lobbied for by utilities companies.

We call upon the 60th Session of the UN Commission on Human Rights to recognize the urgent need for international oversight to safeguard Indigenous children and all children from the health affects of toxic contamination, and to consider the following recommendations to address these critical human rights violations:

- 1) Encourage states to ratify the Stockholm Convention on POPs as an essential step to defend the health and human rights of the world's children
- 2) Adopt a resolution calling upon UN member states to prohibit the use, stock piling, sale and export of internationally and/or nationally banned toxics, including pesticides;
- 3) Extend the mandate of the UN Special Rapporteur on Human Rights, Toxic Wastes and Dangerous Products and support her efforts to address ongoing human rights impacts of the export of banned toxics on Indigenous and other local communities, and especially on infants and children;
- 4) Express support, based on the critical human rights considerations mentioned above, for the work of UNEP to initiate a global legally-binding instrument for elimination of mercury, with the structured, formal and full participation of Indigenous and other impacted Peoples in all related discussions;
- 5) Request that state parties to the Convention on the Rights of the Child report to the Committee on the Rights of the Child regarding their compliance with article 24 recognizing the right of all children to "the provision of adequate and nutritional foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution";

Finally, the IITC commends the UN Committee on the Right of the Child for its Special Session on Indigenous children in September 2003, and urges the Commission to call for an additional Special Session focusing specifically on the health, development and human rights affects of environmental toxins and industrial contaminates on Indigenous children

Thank you, for all our relations and our future generations.
