



**Economic and Social
Council**

Distr.
GENERAL

E/CN.4/2005/45/Add.1
8 December 2004

Original: ENGLISH ONLY

COMMISSION ON HUMAN RIGHTS
Sixty-first session
Item 10 of the provisional agenda

ECONOMIC, SOCIAL AND CULTURAL RIGHTS

**Adverse effects of the illicit movement and dumping of toxic and dangerous
products and wastes on the enjoyment of human rights**

Report of the Special Rapporteur, Okechukwu Ibeanu

Addendum

Updates of cases contained in previous reports

Summary

This report contains updates on previously reported cases (see E/CN.4/2004/46/Add.1 and Corr.1).

1. The following paragraphs contain updates received by the Special Rapporteur on previously reported cases (see E/CN.4/2004/46/Add.1 and Corr.1).

Case 2004/79 - India

2. The Special Rapporteur referred in the addendum to her last report to the Commission (E/CN.4/2004/46/Add.1, paras. 44-45) to a communication alleging that significant amounts of highly toxic chemical stockpiles remain in several of the buildings of the now abandoned Union Carbide India Ltd. pesticides factory in the city of Bhopal, in Madhya Pradesh, making local populations vulnerable to exposure to all the chemicals allegedly found on the site. The Government of India did not reply to a request for comments on the allegations.

3. The Special Rapporteur continues to receive reports repeating the allegations that thousands of tonnes of toxic waste are still stored in Bhopal, allegedly poisoning the town's water supply. Samples of drinking water from a well near the site are alleged to show levels of contamination 500 times higher than the maximum limits recommended by the World Health Organization. People from the community are said to complain of a pattern of symptoms, including stomach pains, headaches, anaemia, and gynaecological problems.

Case 2004/76 - Mexico

4. This case referred to effects of the use of pesticides on lands and territories of the Yaqui nation that include alleged serious health problems for the residents of Rio Yahui, Sonora, Mexico (ibid., paras. 34-36).

5. The Special Rapporteur addressed a letter to the Government of Mexico in August 2003, requesting information concerning these allegations. No reply was forthcoming in time for inclusion in the Special Rapporteur's report. The Government of Mexico has since transmitted information from the Federal Commission for Protection from Sanitary Risks (COFEPRIS) of the Ministry of Health concerning existing programmes on the use of pesticides in the Yaqui area.

6. According to the information received, about 240,000 hectares are cultivated every year in the Yaqui Valley, where large quantities of pesticides are used, to which the agricultural workers are exposed. A national programme to combat the hazards of pesticide use has been conducted throughout the country within the COFEPRIS framework. The programme has included a training-of-trainers workshop, run in 2002 in the State of Sonora, the purpose of which was to ensure the proper management of pesticides in the Yaqui Valley area. Those who attended the workshop will, in turn, train other staff in order to achieve the objective of this

initiative of improving the working conditions of agricultural workers. The workshop included theoretical and practical sessions on how to train agricultural workers. Topics included proper pesticide management, classification and selection of pesticides, knowledge of labelling, the impact on health and the environment, recognizing poisons, and first aid.

7. The Special Rapporteur has subsequently received additional information about the alleged effects of the use of pesticides on the residents of Rio Yaqui, Sonora. Statements written by alleged victims of pesticide abuse submit that unregulated and indiscriminate pesticide use, resulting in severe health problems, including leukaemia and serious birth defects, are testimony to abusive marketing schemes and strategies by multinational corporations. The statements allege that little or no warning is given by manufacturers about the dangers of pesticide use nor advice on protections that may be taken to avoid serious injury or death. The information in the statements appears to be supported by the findings of a study transmitted to the Special Rapporteur, entitled "An Anthropological Approach to the Evaluation of Preschool Children Exposed to Pesticides in Mexico" (*Environmental Health Perspectives*, vol. 106, No. 6, June 1998), which describes the health effects of the use of pesticides in and around Rio Yaqui).

8. In June 2004, the Special Rapporteur transmitted this additional information to the Government of Mexico. In a letter dated 20 November 2004, the Government informed the Special Rapporteur that efforts are ongoing to compile information in response to his request of June 2004.

Case 2004/77 - United Kingdom/Turkey

9. This case (*ibid.*, paras. 37-40) referred to allegations of human rights problems arising from the Baku-Tbilisi-Ceyhan (BTC) pipeline project. During her mission to Turkey in March 2004, the Special Rapporteur had the opportunity to follow up with both Government officials and the BTC Consortium about this case. For a discussion of the case, see the report of the Special Rapporteur on her mission to Turkey (E/CN.4/2005/44).

Case 2003/71 - Canada, United States/China, India, Pakistan: Export of hazardous electronic waste from North America to Asia

10. The case referred to allegations that substantial amounts of hazardous electronic wastes are exported from the United States to Asian countries such as China, India and Pakistan for recycling. In November 2004, the Special Rapporteur received information from non-governmental sources that China has decided to ban imports of used television sets and other electronic scrap. The new regulation reportedly includes a list of banned goods - mostly electronics - and tighter restrictions on how to handle imports that are still permitted (see *ibid.*, paras. 88-101).

Case 1999/41 - Netherlands/China/Haiti

11. Since 1999, the Special Rapporteur has been following and expressing concern about the legal aftermath of and compensation to victims in the case of contamination of a paracetamol syrup by impure glycerine which resulted in the death of at least 88 children in Haiti between 1997 and 1998 (see *ibid.*, E/CN.4/2004/46/Add.1, paras. 111-117).

12. In April 2004, the Special Rapporteur was informed by the Permanent Mission of the Netherlands to the United Nations Office at Geneva that as a gesture of sympathy the Government had decided to make available 500,000 euros to help the affected families, without accepting legal responsibility for the actions of the Dutch company involved.

13. In a letter to the Permanent Mission of May 2004, the Special Rapporteur expressed sincere appreciation for this gesture to alleviate the burden of the affected families and requested that she be kept informed about the plan of action through which the families in question could best be helped, once such a plan had been approved.
