

United Nations Permanent Forum on Indigenous Issues

15th session, May 9 – 20, 2016

Agenda Item 4, Implementation of the 6 Mandated Area of the UNPFII: Focus on Health and the Environment Intervention by the International Indian Treaty Council presented by Andrea Carmen

Thank you Mr. Chairman and respectful greetings to all delegations. For this agenda item, the International Indian Treaty Council (IITC) underscores the relationship between the environment and Indigenous Peoples' intergenerational, reproductive, maternal and holistic health. IITC has presented at many UN fora, including the Permanent Forum's Expert Group Meetings on Combatting Violence Against Indigenous Women and Girls (2012) and Reproductive and Sexual Health (2014), violations of the right to health caused by environmental toxins, including severe impacts on the reproductive health of Indigenous women and girls.

These include severe and irreversible developmental disabilities, contaminated breast milk and cord blood, reproductive impairment, untold physical and emotional pain and suffering, and many deaths.

Core obstacles to halting these urgent violations are national laws and the UN multilateral environmental agreements that fail to recognize or respect human rights, in particular the UN *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade* which permits States to export pesticides and other chemicals that are banned for use in their own countries as a result of their known detrimental health impacts including reproductive cancers and birth defects. This practice by the United States has been called "immoral" by the UN Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes. It has been termed "environmental violence" by Indigenous women in various International Declarations because of its deliberate, intentional and informed nature and the resulting enormous suffering, illness and deaths.

A key component of the normative framework linking the Environment and Right to Health is Article 29 of the UN Declaration on the Rights of Indigenous Peoples which affirms that "States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent".

This link is further underscored in Article 24 of the UN Convention on the Rights of the Child which calls upon State parties "to combat disease and malnutrition... including through the provision of adequate nutritious foods and clean drinking- water, **taking into consideration the dangers and risks of environmental pollution;**"

Since 2006, IITC has submitted over 80 community testimonies documenting the human rights impacts of environmental contamination with a special emphasis on the health of women and children to UN bodies. For the country review of Mexico by the 69th session of the UN Committee on the Rights of the Child in May 2015, we submitted 39 testimonies confirming birth defects, cancers and other severe impacts on maternal and children's health in Yaqui Indigenous communities in Sonora Mexico caused by the indiscriminate application of highly toxic pesticides, including many that are banned for use in the US but are exported from that country to Mexico. The CRC's Concluding Observations¹ recognized for the first time the term "Environmental Health" as a

¹ CRC/C/MEX/CO/4-5 Committee on the Rights of the Child Concluding observations on the combined fourth and fifth periodic reports of Mexico

right protected by the Convention and presented strong recommendations calling on Mexico to halt the importation and use of pesticides that have been banned by the exporting country.

Mr. Chairman, we strongly support the review of implementation of previous recommendations at this session. In this regard we call attention to a key past recommendation addressing Environmental Health that has not yet been implemented. The groundbreaking observations by the Committee on the Rights of the Child make it even more relevant and urgent that the Permanent Forum reconfirm at this session the recommendation from its 13th session calling for *“a legal review of United Nations chemical conventions, in particular the Rotterdam Convention, to ensure that they are in conformity with international human rights standards, including the United Nations Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities”*.²

We request that the UN Convention on the Rights of the Child be added to the standards providing the human rights framework for this review and look forward to working with the Permanent Forum for the implementation of this very important recommendation before its 16th session.

Thank you.

² Permanent Forum on Indigenous Issues Report on the thirteenth session (12-23 May 2014), E/2014/43-E/C.19/2014/11, para. 16