

Call for Inputs

The Right to a Safe, clean, Healthy and Sustainable Environment: Toxic-free places to live, work, study and play

Question and Answer

1. Please provide examples of ways in which toxic environments—characterized by unhealthy levels of pollution and high risks of exposure to toxic substances—are having adverse impacts on human right. Adversely affected rights could include, among others, the right to life, health, water, sanitation, food, livelihoods, non-discrimination, a safe, clean, healthy and sustainable environment, the rights of the child, cultural rights and Indigenous peoples' rights.

Answer: *Disposal of hazardous waste with household waste at open dumping site will negatively affect to health of waste handler as well as scavenger and people living around the dumping site.*

Another realistic example is described as below:

Municipal Solid Waste (Open Dumpsite) is considered as an assembling source of chemicals including organic and inorganic compounds (Heavy Metals) and microorganisms which cause for concerns in public health and environment. Obviously, there are different categories of waste from varieties of sources dumped in open landfill without segregation such as medical waste, industrial waste, and municipal solid waste or household waste. In culmination, these types of waste leach toxic chemicals. Moreover, Mobilization of Leachate from open dumpsite is one of the major environmental concerns due to leachate is accumulated with heavy metals in which can be leached or penetrated into the surrounding environment. For instance, this issue reaches to the pollution of soil (especially agricultural soil), surface water and groundwater, biodiversity, and so on. To sum up, these types of pollution do impact public health, environment, human right, and sustainable development.

2. What are the most heavily polluted places in your State? Are any areas in your state designated as "sacrifice zones" because of extreme pollution? Are there any examples of heavily polluted places that have been comprehensively cleaned up and rehabilitated? If not, what are the barriers to cleanup and rehabilitation.

Answer: *In Cambodia, there is no heavily polluted place, and there is no such places being designated; therefore, there is no information about the clean up or rehabilitated activities having been done.*

3. What are the specific obligations of State and responsibilities of business in terms of preventing exposures to unhealthy levels of pollution and toxic substances, rehabilitating toxic sites, and providing compensation to adversely impacted individuals?

Answer: *Cambodia has Law on Environmental Protection and Natural Resource Conservation (1996) to govern all activities related to environment, including pollution control. Besides, there are some legal tools to specifically manage the environmental quality and control environmental pollution, such as:*

- *Sub-decree on Solid Waste Management (1999)*
- *Sub-decree on Water Pollution Control (1999)*

- *Sub-decree on Environmental Impact Assessment (1999)*
- *Sub-decree on Air Pollution Control and Noise Disturbance (2000)*
- *Sub-decree on Ozone Depletion Substances Management (2005)*
- *Sub-decree on Chemical Classification and Labelling (2009)*
- *Sub-decree on Urban Waste Management (2015)*
- *Sub-decree on E-Waste Management (2016)*
- *Sub-decree on Environmental and Social Fund (2016)*
- *Sub-decree on Plastic Bag Management (2017)*
- *Sub-decree on Sewerage Waste Management (2017)*

4. Please provide specific examples of constitutional provisions, legislation, institutions, regulations, standards, jurisprudence, policies and programmes that apply a right-based approach to ensuring toxic-free environments.

Answer:

- *Constitution of Cambodia, Article 32: Everybody shall have the right to life, freedom and personal security.*
- *Law on Environmental Protection and Natural Resource Management (1996): Article 1: This law has an objective:*
 - o *To protect and upgrade the environment quality and public health by means of prevention, reduction and control of pollution.*
 - o *To encourage and provide possibility to public to participate in the protection of environment and the management of the natural resources.*
 - o *To suppress any acts which may affect to environment.*

5. If your State is one of the 156 UN Member States that recognizes the right to a safe, clean, healthy and sustainable environment, has this right contributed to preventing, mitigating, or rehabilitating toxic environments? If so, how? If not, why not?

Answer: *Being a member of 156 UN Member States, Cambodia has received supports from development partner through both bilateral and multilateral agreement to manage environmental sustainably, to properly manage environmental quality and pollution control. For example, UNEP and UNIDO support Ministry of Environment to improve management of hazardous substances especially persistent organic pollutant (POPs).*

6. Please provide specific examples of good practices in preventing, mitigating, or rehabilitating toxic environments. These examples may occur at the international, regional, national, sub-national, or local level. Examples may involve monitoring concentrations of toxic substances in air, water, soil, food and people; guaranteeing procedural rights (e.g. public access to information, public participation in decision-making, access to remedies); legislation, regulations, standards, jurisprudence and policies that address toxic substances; and initiatives to achieve toxic-free environments (e.g. banning the use of specific substances, reducing air and water pollution, remediation projects). Where possible, please provide evidence related to the implementation, enforcement, and effectiveness of the good practices.

Answer: *UNIDO support the Ministry of Environment to improve solid waste management through reducing the open burning at dumpsite. Under the project, waste recycling through composting practice is motivated and supported. In real practice, COMPED, an NGOs, received financial and technical*

supports to enhance its composting capacity in Battambang Province in order to reduce the amount of waste to dispose of at dumping site.

7. Please specify ways in which additional protection is provided (or should be provided) for populations who may be particularly vulnerable to toxic environments (e.g. women, children, persons living in poverty, members of Indigenous peoples and traditional communities, older persons, persons with disabilities, ethnic, racial, religious or other minorities, migrants and displaced persons). How can these populations be empowered to protect their rights?

Answer:

All development projects are required to conduct environmental impact assessment and all stakeholders including local community or vulnerable groups are invited to participate in the discussion. Also, monitoring and complaint mechanisms has been established in order to ensure the environmental compliance, check quality of environment and provide a platform for affected groups to report pollution cases occurring in their areas.

8. Are the actions of high-income States linked to increased risks of exposure to toxic substances in low- and middle-income States? What are ways in which high-income States should assist low-income States in preventing and rehabilitating toxic environments?

Answer:

Yes, the development actions of high-income States really result in increasing risks of exposure to toxic substances in low- and middle-income States. For example, hazardous waste usually generated from the production of goods in high-income State, or the high demand of consumption in high-income State indirectly contribute to the generation of waste and hazardous waste in the produced country and finally bring about the risk of exposure to people living in low- and middle-income State. The proper way to do by high-income States in preventing and rehabilitating toxic environments in low- and middle-income States is through financial and technical support to low- and middle-income state to proper manage the production in which toxic substances could be generated.

9. For businesses, what policies or practices are in place to ensure that activities, products, and services prevent risks of toxic exposures and meet human rights standards, especially those articulated in the Guiding Principles on Business and Human Rights?

Answer:

Sub-decree on Environmental Impact Assessment designate types of projects required to conduct and prepare impact assessment report. This requirement is to make sure that any possible negative impacts from business or development project will be mitigated.

Sub-decree on Water Pollution Control (1999) and Sub-decree on Air Pollution Control and Noise Disturbance (2000) set environmental quality standard as well as emission standard. The purpose of these standard is to make sure that Cambodia people could live in better environmental quality or free-toxic environment. These sub-decrees also stipulate systems and measures to control pollution activities.

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