



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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The Office of the High Commissioner for Human Rights presents its compliments to all Permanent Missions to the United Nations Office in Geneva and has the honour to refer to Human Rights Council resolution 27/23, entitled “Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes”.

In paragraph 5 of resolution 27/23, the Human Rights Council requested the Special Rapporteur on human rights and hazardous substances and wastes, Mr. Baskut Tuncak, to “present to the Council [...] annual reports on the implementation of the resolutions that it has adopted”. In 2016, the Special Rapporteur intends to focus his thematic report to the Human Rights Council on the issue of the rights of the child with respect to hazardous substances and wastes

A questionnaire is annexed to this note, the results of which will be used by the Special Rapporteur to prepare his annual report to the Council. Unless otherwise requested, all submissions will be posted on the webpage of the Special Rapporteur. The Special Rapporteur will present his report to the Human Rights Council at its September 2016 session.

The Office of the High Commissioner for Human Rights would be grateful if this letter could be transmitted to relevant authorities, inviting all submissions **no later than 15 April 2016**.

Responses to the questionnaire can be sent to srtoxicwaste@ohchr.org (encouraged) or addressed to:

Special Rapporteur on human rights and hazardous substances and wastes
Sustainable Human Development Section
Special Procedures Branch
UNOG-OHCHR
Palais des Nations
CH-1211 Geneva 10, Switzerland
Fax: +4122 917 9006

The Office of the High Commissioner for Human Rights avails itself of this opportunity to renew to the Permanent Missions to the United Nations Office in Geneva the assurances of its highest consideration.

7 March 2016

Mandate of the Special Rapporteur on human rights and hazardous substances and wastes
Questionnaire for Governments to inform his report to the 33rd Session of the Human Rights Council (September 2016)

With 196 States parties, the UN Convention on the Rights of the Child (CRC) is the most widely ratified and monitored international human rights treaty. It sets out the civil, political, economic, social and cultural rights of children. Four “guiding principles” of the CRC are the right to life, survival and development (article 6), non-discrimination (article 2), best interests of the child (article 3) and the right to be heard (article 12). Under the CRC, children have the right to the highest attainable standard of health, and State Parties have a duty to “combat disease and malnutrition ... through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution” (article 24(2)(c)).

Yet, the CRC is often overlooked in developing environment-related policies and standards. The purpose of this questionnaire is to help the Special Rapporteur on hazardous substances and wastes ascertain to what extent children’s rights inform government policies related to hazardous substances.

We would be grateful for your input on the following questions:

- (1) Studies in various countries have found hundreds of toxic chemicals in newborn babies and children from various sources. Does your government monitor children’s exposure to hazardous substances in your country? If so, please summarize the most recent studies and advise whether such information is made publicly available and where it may be accessed.
- (2) Childhood exposure to hazardous substances can produce grave and irreversible adverse effects, including adverse health impacts that may not manifest for years if not decades after exposure. Does your government specifically assess the risks of childhood exposure to substances? If so, please describe the assessment process for childhood exposure to hazardous substances, including: sensitive periods of development; latency periods between exposure and manifestation of health impacts; combination effects; and to what extent a rights-based approach informs risk assessment and mitigation.
- (3) The principle of the best interests of the child (Article 3, UN CRC) guides all matters concerning the rights of the child, including environmental decision-making. Does your country have specific measures in place to prevent childhood exposure to hazardous substances?
- (4) Often the need to establish causation is an insurmountable obstacle for victims of hazardous substances, in particular, for children. Please describe any positive efforts your government has made to remove causation obstacles for children who are, or may have been exposed to, toxic chemicals during their development, but do not exhibit

adverse health impacts such as cancer until much later in life. For example: increasing the statute of limitation for litigation or reducing the burden of proof on victims to establish causation. .

- (5) Please explain any specific judicial and non-judicial processes to hold perpetrators accountable for hazardous substance-related claims of adverse impacts on health and other rights of the child. Please provide the most relevant court cases on childhood exposure to hazardous substances and judicial attempts to ensure an effective and timely remedy, including both domestic and transnational cases as relevant.
- (6) Please provide any additional information you believe would be useful to understand efforts made and challenges confronting your Government in its efforts to protect the rights of the child from hazardous substances.