

States must stop exporting unwanted toxic chemicals to poorer countries, says UN expert

GENEVA (XX July 2020) – The practice of wealthy States exporting their banned toxic chemicals to poorer nations lacking the capacity to control the risks is deplorable and must end, a UN expert said today, with the endorsement of 35 fellow experts of the Human Rights Council.

Last year, at least 30 States exported hazardous substances that had been banned locally because of health and environmental reasons to Latin America, Africa and Asia.

“The ability to manufacture and export toxic substances banned from use domestically is one, albeit large, element of how States have institutionalised externalities through discriminatory national laws and an outdated system of global governance for chemicals and wastes,” said the UN Special Rapporteur on toxics, Baskut Tuncak.

The expert said that wealthier nations often create double standards that allow the trade and use of prohibited substances in parts of the world where regulations are less stringent, externalising the health and environmental impacts on the most vulnerable.

The racialised nature of these standards cannot be ignored, he said, as the dangers are externalised to communities of African descent and other people of colour – a grave concern which also exists internally in exporting countries with respect to the siting of polluting industries and dumping of hazardous waste.

“In nearly every case there is no legitimate public interest justification,” Tuncak said. “These loopholes are a political concession to industry, allowing their chemical manufacturers to profit from inevitably poisoned workers and communities abroad, all the while importing cheaper products through global supply chains and fueling unsustainable consumption and production patterns. It is long-overdue that States stop this exploitation.”

In reports from [Denmark](#), [Germany](#), and the [United Kingdom](#), the Special Rapporteur has highlighted dangers posed by the exportation of toxic chemicals, and communicated similar concerns to [Canada](#) and [Switzerland](#).

Tuncak has also made similar recommendations to [Brazil](#) regarding communities poisoned by exports. In the face of such violations, some individuals were forced to defend their communities, putting themselves at further risk in a country which ranks among the world’s deadliest for environmental rights defenders. “The EU continues to export such pesticides and toxic industrial chemicals, resulting in widespread infringements of human rights to life, dignity and freedom from cruel, inhuman and degrading treatment in low and middle-income countries.”

The expert commended France for recent legislation stopping the export of chemicals prohibited domestically. “France has taken the right approach to ending these double standards, a practice that other EU and OECD members must emulate,” he said.

Tuncak also commended several African countries for progressive efforts to prohibit such imports. Under the Bamako Convention, it is a crime to export substances that are forbidden from use in the country of manufacture to any of the 25 African countries that are party to the Convention. In 2015, the UN Committee on the Rights of the Child recommended that [Mexico](#) similarly stop importing pesticides because of grave impacts on indigenous children. The recommendation has yet to be implemented.

“States exporting banned chemicals without a strong public interest justification are in violation of their extraterritorial obligations under international human rights law, including their obligations relating to a healthy environment and safe and healthy working conditions,” said the expert, citing the recent [General Comment No. 24](#) of the Committee on Economic, Social and Cultural Rights (CESCR). “Failing to address this longstanding exploitation is discrimination, pure and simple.”

The Special Rapporteur’s recommendations were endorsed by: **Agnes Callamard**, Special Rapporteur on extrajudicial, summary or arbitrary executions; **Alioune Tine**, Independent Expert on the situation of human rights in Mali; **Alice Cruz**, Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members; **Clément Nyaletsossi Voule**, Special Rapporteur on Rights to Freedom of Peaceful Assembly and of Association; **David R. Boyd**, Special Rapporteur on human rights and the environment; **Diego García-Sayán**, Special Rapporteur on the independence of judges and lawyers; **E. Tendayi Achiume**, Special Rapporteur on contemporary forms of racism; **Francisco Cali Tzay**, Special Rapporteur on the rights of indigenous peoples; **Léo Heller**, Special Rapporteur on the human rights to safe drinking water and sanitation; **Livingstone Sewanyana**, Independent Expert on the promotion of a democratic and equitable international order; **Mary Lawlor**, Special Rapporteur on the situation of human rights defenders; **Michael Fakhri**, Special Rapporteur on the right to food; **Michael Lynk**, Special Rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967; **Nils Melzer**, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; **Obiora Okafor**, the Independent Expert on human rights and international solidarity; **Olivier De Schutter**, Special Rapporteur on extreme poverty and human rights; **Rhona Smith**, Special Rapporteur on the situation of human rights in Cambodia; **Saad Alfarargi**, Special Rapporteur on the right to development; **Thomas Andrews**, Special Rapporteur on the situation of human rights in Myanmar; **Tomoya Obokata**, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; **Ahmed Reid (Chair)**, **Dominique Day**, **Michal Balcerzak**, **Ricardo A. Sunga III**, **Sabelo Gumedze**, Working Group of experts on people of African descent; **Elizabeth Broderick**, **Alda Facio**, **Ivana Radačić (Chair)**, **Meskerem Geset Techane**, **Melissa Upreti (Vice Chair)**, Working Group on discrimination against women and girls; **Surya Deva**, **Elżbieta Karska**, **Githu Muigai**, **Dante Pesce (Vice-Chair)**, **Anita Ramasastry (Chair)**, Working Group on the issue of human rights and transnational corporations and other business enterprises.

ENDS

*The expert: **Baskut Tuncak**, Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes (toxics). He was appointed by the Human Rights Council in 2014.*

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